

ing will not count as another appearance; and with the further understanding that the remarks by the distinguished Senator from Alaska will appear elsewhere in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. I thank the distinguished Senator from South Carolina for his unfailing courtesy.

Mr. President, many businessmen in the disaster areas of Alaska face the unhappy prospect of assuming new, huge debts to reestablish themselves in business while at the same time having to repay debts on business assets which have been destroyed in the Good Friday earthquake and resulting tidal waves.

The able Administrator of the Small Business Administration, Mr. Eugene Foley, has wisely seen the necessity for aiding the private sector of the Alaska economy and has offered to make disaster loans to refinance the old indebtedness of these stricken businessmen and to finance the reestablishment of the businesses involved. He has seen the need for generous terms and has offered disaster loans for 30 years at 3 percent interest per annum with a moratorium on the payment of interest for 1 year and a moratorium on the repayment of principal for 5 years.

Last week I suggested to Administrator Foley that we should be at least as generous with borrowers here at home as we have been with borrowers under our foreign aid program where we loan huge sums at three-fourths of 1 percent interest with a 40-year repayment and a 10-year moratorium on the repayment of principal.

Under the law governing the small business program, the Administrator can set the interest rate for loans at any rate from 0 percent to a maximum of 3 percent. I have asked the Administrator to equate our domestic loan program with that of our foreign aid loan program and set the interest rate on small business disaster loans in Alaska at three-fourths of 1 percent per annum. To do less is to act unjustly to our own citizens.

I have today renewed my request to Administrator Foley citing instances of direct loans by the United States to private industry abroad in sizable sums at three-fourths of 1 percent interest per annum, repayable in 40 years with a moratorium on the repayment of principal for 10 years.

I ask unanimous consent that the letter to Administrator Foley, in which the request is made, be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, D.C., April 24, 1964.

Mr. EUGENE P. FOLEY,
Administrator, Small Business Administration, Washington, D.C.

DEAR Mr. FOLEY: Yesterday at the meeting of the Federal Reconstruction Commission for Alaska you brought up my efforts to secure the same interest rate of three-fourths of 1 percent per annum on small business loans in disaster areas of Alaska as the United States has charged for development loans under the foreign aid program. You sought to distinguish these foreign loans

from your domestic small business loans on the ground that the foreign loans were made directly to foreign governments and not to the private sector of the foreign economy.

After the meeting, when I informed you that you were mistaken, you said that if I could produce the evidence that some of these three-fourths of 1 percent loans were made to the private sector of the foreign countries, you would feel that you could modify your position from your declared intent of requiring the maximum interest rate prescribed by law (8 percent per annum) for small business loans made in the disaster areas in Alaska.

The evidence you desired is set forth in detail below.

In the first place, the foreign governments to which three-fourths of 1 percent loans are made are merely the conduits of those loans to the business and industrial sectors of those countries. True, many of those foreign governments—not having our American concept of free enterprise—may retain a part control or a nominal control of those industries and businesses or may own and operate them. But in essence loans to foreign countries to be used in the industrial sector of their economies produce precisely the same effects as loans by the Small Business Administration in the United States and are identical in nature with our loans—they help produce jobs for individuals, profits for stockholders, and economic wealth for the country.

If form rather than substance is the stumbling block to your modifying your stand, I could suggest a sizable loan to the State of Alaska or to the Alaska Development Corporation—the political equivalent of foreign governments—at three-fourths of 1 percent interest to be loaned to businessmen in the disaster areas of Alaska. But it is not necessary to resort to such a device since the evidence is abundantly clear that three-fourths of 1 percent loans are made in the foreign aid program directly to private industrial and business concerns, as I shall detail below.

Pursuing for a moment the economic effects of our three-fourths of 1 percent loans to foreign governments for industrial purposes, it is evident that when we gave (not loaned) for the development of fisheries resources \$848,000 to Taiwan, \$159,000 to Cambodia, \$907,198 to Indonesia, \$1,908,500 to Vietnam, \$5,351,000 to Korea, \$1,128,620 to India, \$1,355,670 to Pakistan, \$337,000 to Somalia, \$200,000 to Ivory Coast, \$195,000 to Nigeria, and \$151,971 to Peru, these dollars went directly to building canneries in those countries (canneries of exactly the same type as Pete Deveau of Kodiak, Alaska, is trying to rebuild and for which he is seeking a Small Business Administration loan) or to build fishing boats operated by individual fishermen (just like the fishing boats which were destroyed at Seward, Valdez, and Kodiak and for which Small Business Administration loans are now being sought by the fishermen of those Alaska communities).

But we do not have to rely on this obvious interpretation of what takes place in our foreign aid program for reasons why your position should be modified, for the foreign aid program is replete with instances of three-fourths of 1 percent per annum loans made directly to private concerns repayable in 40 years with a 10-year moratorium on repayment of principal.

Here are some examples of such three-fourths of 1 percent 40-year loans:

Afghanistan: Loan on March 23, 1963, of \$2,625,000 to the Ariana Afghan Airlines, 49 percent of the stock of which is owned by Pan American World Airways (a private U.S. corporation) and the major portion of the remainder of the stock owned by private Afghanistans banks;

India: (a) Loan on June 28, 1962, of \$17,900,000 to the Tata Hydroelectric Power Sup-

ply Co., Ltd., and the Andra Valley Power Supply Co., Ltd. (both private companies) for the Trombay Thermal Power Station;

(b) Loan on September 25, 1962, of \$13,700,000 to the Tara Engineering & Locomotive Co., Ltd. (a private corporation) for expansion of a private truck plant;

(c) Loan on July 27, 1962, to NAPCO Bevel Gear of India, Ltd. (a private corporation) of \$2,300,000 for expansion of privately operated precision gear plant;

Egypt: Loan on April 26, 1962, of \$3 million to the Societe Misr Pour La Rayonna for the construction of a cellophane plant. This company was a privately owned company, but by nationalization decree of the Egyptian Government, a controlling interest in the company was nationalized;

Brazil: (a) Loan on March 6, 1963, to the Credito e Financiamento S. A. (a private corporation) of \$4 million for the establishment of a development bank;

(b) Loan on March 11, 1963, to the Companhia De Carbonos Coloidais (a private corporation) of \$2 million for a carbon black plant;

Mexico: Loan on June 30, 1962, to the Nacional Financiera, S. A. (a private corporation) of \$20 million for supervised agricultural credit.

These examples among many illustrate my point that there is no justification for this double standard and that borrowers in the disaster areas of Alaska should at least be treated equally with foreign borrowers under our foreign aid program (who have suffered no disaster) and that you should exercise the authority you have under the law and lower the interest rate on disaster small loans to three-fourths of 1 percent per annum.

The act sets no minimum rate of interest, only a maximum rate of 3 percent per annum. In conversations with me you indicated that you had sufficient authority and discretion to set the interest rate at any rate up to 3 percent per annum.

It should be borne in mind that when, for example, the loan of \$13,700,000 was made in India to the Tata Engineering & Locomotive Co., Ltd., on three-quarters-of-1-percent, 40-year-payment terms, there accrued no economic benefit to the American economy. All benefits—assuming adequate tax laws and collections—flowed to the economy of India and every other country benefiting by our three-quarters-of-1-percent loan. On the other hand, small business loans in the disaster areas of Alaska will generate jobs and tax dollars and will relieve the taxpayers of Alaska and the United States of the necessity of welfare and unemployment compensation payments.

I therefore renew my request to you that you modify the terms of disaster small loans in Alaska so as to put the Alaska borrower on terms of equality with those in foreign countries to whom we loan American tax dollars at three-fourths of 1 percent interest per year, with a 10-year moratorium on repayment of principal.

With best wishes, I am
Cordially yours,

ERNEST GRUENING,
U.S. Senator.

IS AN AMERICAN PROTECTORATE IN ASIA WORTH WAR?

During the delivery of Mr. THURMOND's speech,

Mr. MORSE. Mr. President, some days ago—almost 2 weeks ago, as I recall—I announced that I was at work on an analysis of international law principles vis-a-vis the unilateral military intervention of the United States in South Vietnam. I have completed that study; and at this time I propose to present my findings. This will be a major foreign

policy speech, one of the more important foreign policy speeches I have made in my 20 years in the Senate. It is one that I wish had not been necessary to make, because in this speech I shall set forth my reasons for complete and total disagreement with my Government in connection with the conduct of what I call McNamara's war in South Vietnam. But, Mr. President, I desire to be constructive and to offer my criticisms of U.S. policy as constructive criticisms, and to do in this case as I have always done—offer affirmative proposals as substitutes for what I believe is a most unfortunate, most unwise, and completely unjustifiable American foreign policy in South Vietnam.

Mr. President, the war the United States is fighting in South Vietnam is a menace to the American people, for two reasons:

First, it is outside the legal framework of international law and American treaty obligations;

Second, it threatens to engulf the resources and manpower of the American people on the continent of Asia for an undefined time and purpose.

Either of these reasons alone is sufficient reason for the American people to draw back from the brink. These reasons together make it imperative that we draw back.

Most of this speech will deal with the legal problems of our intervention in Vietnam, although I shall refer also to the sheer stupidity of a unilateral American war in Asia.

HISTORY OF U.S. POLICY IN VIETNAM

One cannot review the history of American policy in Indochina, and later Vietnam, without concluding that the U.S. Government wanted France to stay there; and that when that failed, we took up where France left off.

We refused to sign the Geneva Agreement, which took France out of Indochina. Our refusal gave fair indication of our intention to stay on and carry out the French role there alone.

Mr. President, at the outset I wish to call the attention of the Senate to my opinion that our failure to sign the Geneva agreement is of tremendous significance in connection with the subsequent development of American foreign policy in Vietnam.

In 10 years time, we have effectively established a United States protectorate over South Vietnam. When our first choice of a local ruler proved totally inefficient, we encouraged his overthrow. I say "encouraged," because the extent of the American participation in the coup that overthrew Ngo Dinh Diem is still unknown. But it is widely known that not only were Americans in Saigon dissatisfied with the Diem government, but our officials also spread word that we would welcome a change in governments.

High administration officials said publicly that U.S. aid would be reduced unless the Diem government changed its policies. Ambassador Lodge told President Diem that we wanted his brother, Ngo Dinh Nhu, removed from his positions of office and influence. A resolution introduced in the Senate, with 22 cosponsors, called for an end to U.S. aid

unless the Diem government changed its policies of repression.

When the coup finally came, we quickly welcomed and recognized the new government headed by General Minh. We resumed the aid that had been suspended in order to put pressure on Diem.

It mattered little that 3 months later, another coup deposed General Minh, and installed General Khanh. The Diem, Minh, and Khanh regimes have all ruled South Vietnam only because of heavy financial backing by the United States. When we found one hopelessly incompetent, we have brought about a replacement.

Today, South Vietnam does not run the war against the guerrillas. She does not make her own foreign policy or military policy. The United States does. The U.S. Air Force is fighting in South Vietnam. Its planes and men are providing the air support and air transportation for the government ground forces. Americans numbering at least 15,000 are fighting with the ground forces. When they are shot at, they shoot back.

If hot pursuit of guerrillas is undertaken into Cambodia, it is the Americans who authorize it and make possible its execution. Several weeks ago, or more, we had to apologize to Cambodia, because we were caught bombing a Cambodian village; we were caught dropping a shocking, inhumane firebomb on a Cambodian village. The village was burned, and 16 persons were killed. How were we caught? We were caught because our plane was shot down, and the precious life of the American pilot was snuffed out. This is an ugly picture, and it is a picture that will blot the history of this glorious Republic. Therefore, I will continue to plead that we correct this mistaken policy and that we change our course of action in South Vietnam.

As I have said, if action is carried into Cambodia, it is the Americans who authorize it and make possible its execution. If "hot pursuit" into Laos is undertaken, it will be on our say-so and executed by American military aircraft manned by the U.S. Air Force.

If the war is carried into North Vietnam, it will be done on American orders, not on General Khanh's orders, and it will be done by the U.S. Air Force alone.

South Vietnam has become a protectorate of the United States. We have made it one, in order to protect what we regard as American interests in southeast Asia.

U.S. POLICY IN INDOCHINA

Our intentions in this respect are clear, from the history of the French withdrawal. I refer Senators to the memoirs of Anthony Eden, who was British Foreign Secretary in 1954. His volume of memoirs covering this period is entitled "Full Circle"; and he writes as follows of the early months of 1952:

There was a growing feeling in Paris, partly inspired by rumors of impending Chinese military intervention in Indochina, that Great Britain and the United States should give more help. The French complained that they could not be expected to defend the interests of the free world in Indochina singlehanded and at the same time make the contribution to European defense which was being demanded of them.

Underlying this argument was the fear that, owing to her commitments in Indochina, France would find herself militarily inferior to a rearméd Western Germany in the proposed European army.

These were the views with which the French Government confronted Mr. Dean Acheson and myself when we flew to Paris at the end of May for three-power discussions on the problems of Europe and southeast Asia. On the 26th, before the formal discussions opened, I had a long talk with Mr. Acheson at the British Embassy. He told me of the U.S. determination to do everything possible to strengthen the French hand in Indochina. On the wider question of the possibility of a Chinese invasion, the U.S. Government considered that it would be disastrous to the position of the Western Powers if southeast Asia were lost without a struggle. On the other hand, the Americans were determined to do nothing in that area which would provoke a third world war. Their present thinking was that deterrent action was the best course. At an appropriate moment there might have to be some form of warning to the Chinese. If the warning were ignored, Mr. Acheson believed that a blockade of the Chinese coast and the dislocation of her communications would have to be considered. I agreed generally with Mr. Acheson's approach, though I personally thought it unlikely that China would enter the war, and said so. The present state of affairs suited China very well and she would have nothing to gain by internationalizing the conflict. I told Mr. Acheson that Her Majesty's Government were strongly opposed to any course of action in southeast Asia which would be likely to result in a war with China. We both agreed that although possible means of deterring China should be examined, any provocative action must at all costs be avoided.

On May 30, Mr. Acheson and I had a long and difficult conference with the French Prime Minister, M. Pinay, and the principal members of his Government. M. Pleven, the Minister of Defense, took the lead in presenting the French case, which confirmed our Ambassador's warning, and made depressing hearing. Mr. Acheson remained sympathetic but firm. There was no doubt, he said, that France's effort in Indochina was in the general interest. He pointed out, however, that the United States was already bearing a third of the cost. The French Ministers repeatedly argued that if further aid was not forthcoming, there would be grave parliamentary difficulties in France. These would prejudice the ratification of EDC and the continuation of French efforts in Indochina.

As we were driving away from the conference, Dean Acheson told me, more in sorrow than in anger, that if further aid were approved by Congress, the United States would be bearing about half the cost of the Indochina war, yet to hear the French talk, one would think that his Government were only supplying them with the odd revolver or two. I reflected that if the French really wanted American aid, they were going about it in the worst possible way.

When we held a further three-power meeting in London at the end of June, I learned that I had been wrong in doubting the French method. Mr. Acheson told me, before the talks began, that his Government had agreed to increase their aid to the French in Indochina by \$150 million during the coming fiscal year. This was an increase of 40 percent, and generous by any standards.

By late 1953, a new American administration was in office, and the French position in Indochina had slipped still further. In December of 1953, the Vietminh, the Communist-led rebels against the French, had embarked on a new offensive, and Mr. Eden says of it:

1964

8721

The new offensive was no doubt intended to show the ineffectiveness of the French guarantee to Laos in the recently concluded treaty. It may not have succeeded in this purpose, but it did serve to arouse concern for the future of the French military position. This concern, and fears of Chinese intervention, were becoming particularly acute in the United States. On December 29, Mr. Dulles told a press conference that in the event of an invasion of Indochina, the American reaction "would not necessarily be confined to the particular theater chosen by the Communists for their operations." On January 12, 1954, after proclaiming the doctrine of instant retaliation, Mr. Dulles gave warning that Chinese intervention would have "grave consequences which might not be confined to Indochina." These admonitions did not seem to me on the mark. I did not believe that any Chinese intervention was imminent; there was no need for it. The Vietminh were doing well enough as it was. More practically, the view was already being canvassed in the American press that the United States should step in to help the French with sea and air power before the military situation deteriorated further.

But the French, Russians, and British were ready to sit down and discuss a political settlement in Indochina. "It was essential," continuing to quote the British Foreign Secretary of the time:

That the French should hold their ground militarily, in order that their bargaining position at Geneva should not be weakened. But I did not consider it to be in the best interests of France that the scale of the fighting should be increased, or that she should be encouraged to expend her strained resources in trying to force a military decision. The Americans took a different view. On February 8, our Ambassador was told at the State Department that the U.S. Government was perturbed by the fact that the French were aiming not to win the war, but to get into a position from which they could negotiate.

At this time Mr. Bedell Smith, the American Under Secretary of State, was reappraising the situation with a small group invited by the President to consider the Indochina problem. He told our Ambassador that there was no intention of sending American troops into Indochina; the President would not do it even if he had the power. Yet the American Ambassador in Saigon had succinctly remarked that "the French would not be allowed to skedaddle unless China gave absolute guarantees." I did not see how this dual purpose was to be realized.

On March 29, in a speech to the Overseas Press Club of America, Mr. Dulles said that the imposition of the Communist system on southeast Asia "should not be passively accepted but should be met by united action. This might involve serious risks, but these risks are far less than those that will face us in a few years from now if we dare not be resolute today." I had no objection to strong American words, but I wanted to be sure that they meant what they appeared to say. We had been told that the United States was not prepared to intervene in Indochina in the only effective way, on land. It was important not to encourage the French by the offer of lesser means which could not succeed.

Meanwhile, the position of the besieged French garrison at Dien Bien Phu had deteriorated further. The American Government now approached the French and ourselves with a new proposal. This was to the effect that all the countries concerned should issue, before Geneva, a solemn declaration of their readiness to take concerted action

under article 51 of the United Nations Charter against continued interference by China in the Indochina war. We were informed that the proposed warning would carry with it the threat of naval and air action against the Chinese coast and of active intervention in Indochina itself. This ad hoc coalition, comprising the United States, France, the United Kingdom, Australia, New Zealand, Thailand, the Philippines, and the three Associated States of Indochina, would simultaneously set about organizing the collective defense of southeast Asia.

Reports from Paris indicated that this idea had met with a lukewarm reception there. On April 5, President Eisenhower sent a message to Sir Winston Churchill urging him to fall in with the American plan and suggesting that Mr. Dulles might fly to London within a few days to discuss his proposal. This offer was accepted, but at the same time I warned Sir Roger Makins in Washington that he should say nothing at this stage which might commit us to the joint action proposed.

Secretary Dulles set out to London to discuss an American proposal for a joint Allied intervention in Indochina. From what has been written and related about the position of the United States, Secretary Dulles and Admiral Radford were advocating prompt American intervention of any degree necessary to save the French position. President Eisenhower, whatever his personal views of its wisdom, wanted congressional authorization and the participation of other countries. So Dulles and Radford both went to London to try to get participation from the British.

Mr. Eden writes that he summarized his own position in writing shortly before the Dulles visit:

I quote the British Secretary:

The U.S. proposal assumes that the threat of retaliation against China would cause her to withdraw aid from the Vietminh. This seems to me a fundamental weakness. There is a distinction between warning China that some specified further action will entail retaliation, which might be an effective deterrent, and calling upon her to desist from action in which she is already engaged. I cannot see what threat would be sufficiently potent to make China swallow so humiliating a rebuff as the abandonment of the Vietminh without any face-saving concession in return. If I am right in this view, the joint warning to China would have no effect, and the coalition would then have to withdraw ignominiously or else embark on warlike action against China.

Neither blockade nor the bombing of China's internal and external communications, which the U.S. Government appear to have in mind, were considered by our Chiefs of Staff to be militarily effective when these were discussed in connection with Korea. They would, however, give China every excuse for invoking the Sino-Soviet Treaty, and might lead to a world war. Nor should we commit British forces to operations in Indochina.

The British Foreign Secretary, Mr. Eden, also paraphrases the conversation he had with Secretary Dulles:

The battle at Dien Bien Phu had reached a crucial phase and American military authorities did not rate the French chances of victory highly. For these reasons, Mr. Dulles went on, the U.S. Chiefs of Staff had suggested 3 weeks ago that American naval and air forces should intervene in the Indochina war. He told us that some air-

craft carriers had already been moved from Manila toward the Indochina coast. On reflection, Mr. Dulles had considered that the United States should not act alone in this matter and that before a decision to intervene were taken, two conditions should be met. First, there must be some assurance that the French Government were willing to grant the associated states real independence within the French Union, so as to provide the necessary political basis for effective resistance. Second, the U.S. Government must ascertain whether their allies, especially the United Kingdom, Australia and New Zealand, took an equally grave view of the situation. For these reasons, although he no longer had in mind a warning declaration specifically directed against China, Mr. Dulles wanted to see the formation of an ad hoc coalition which might develop into a southeast Asia defense organization. He thought that this in itself would deter China from further interference in Indochina, and would strengthen our position at Geneva by giving evidence of our solidarity.

Eden's reply to the Indochina proposal of Dulles was as follows:

If there was to be any question of Allied intervention, military or otherwise, or of any warning announcement before Geneva, that would require extremely careful consideration. It was doubtful whether the situation in Indochina could be solved by purely military means and we must at least see what proposals, if any, the Communists had to make at Geneva. Accordingly, I told Mr. Dulles that, in my view, the communique which would be issued after his visits to London and Paris should not go beyond a warning that we would not allow the work of the Geneva Conference to be prejudiced by Communist military action. I was not convinced that any immediate mention should be made of any decision concerning collective security in southeast Asia, if that were agreed upon.

Our formal talks on April 12 and 13 added little to this initial conversation. I said that I could agree to no more than to engage in preliminary discussions on the possibility of forming a mutual security system in southeast Asia. On the question of intervention, Mr. Dulles was convinced that Indochina was the place for such action, should it become necessary, provided that two requirements could be met. First, an unequivocal declaration by the French Government of independence for the associated states and secondly, the placing of the conflict on an international basis. This, he said, with the addition of outside air and naval support, would create the possibility of victory. Mr. Dulles added that he was confident that Congress would authorize the President to use U.S. air and naval forces, and possibly even land forces. I was not convinced by the assertion which Mr. Dulles then made, that the situation in Indochina was analogous to the Japanese invasion of Manchuria in 1931 and to Hitler's reoccupation of the Rhineland. I explained that the British chiefs of staff did not believe that Allied intervention could be limited to the air and the sea. I told Mr. Dulles that British public opinion, with the Geneva Conference in prospect, would be firmly opposed to any present commitment to become involved in war in Indochina. * * *

About this time, American opinion was being explored by Vice President Nixon. In his famous speech to the American Society of Newspaper Editors in New York City on April 16, 1954, he spoke not for attribution. According to the account in the New York Times of

April 24

April 17, he said that if the French stopped fighting in Indochina and the situation demanded it, the United States would have to send troops to fight the Communists.

"We must take the risk of putting American boys in the fighting" if there was no other way. Those were the words of Richard Nixon in 1954.

I ask unanimous consent to have the New York Times story of April 17, and that of April 18 identifying the speaker as Vice President Nixon, reprinted in the RECORD at this point in my remarks.

There being no objection, the news articles were ordered to be printed in the RECORD, as follows:

HIGH AID SAYS TROOPS MAY BE SENT IF THE
FRENCH WITHDRAW

(By Luther A. Huston)

WASHINGTON, April 16.—A high administration source said today that if France stopped fighting in Indochina and the situation demanded it the United States would have to send troops to fight the Communists in that area.

He said he hoped this country would not have to send troops but if it could not avoid it the administration would have to face up to it and would do it. As the leader of the free world, the United States cannot afford another retreat in Asia, he said.

The source of these statements does not hold press conferences and he is not the administration spokesman on foreign policy. Those were the reasons he gave for refusing to permit his name to be used, his remarks to be attributed to him or the time or place where his statements were made to be disclosed.

He has, however, a voice in the formation of policy. He said that if the situation required it he would support sending troops to Indochina.

EISENHOWER AID SILENT

The statement on possible U.S. armed intervention in the fighting came in answer to a question after the highly placed official had expressed the opinion that there was no reason why the French could not win in Indochina.

What prompted the question was his statement that while the Vietnam forces would continue fighting in event of a French withdrawal, Indochina probably would be Communist-dominated within a month of that act.

James C. Hagerty, White House press secretary, now in Augusta with President Eisenhower, would not say whether the statements made by the administration source reflected the views of the President.

"I have no knowledge of the story," said Mr. Hagerty. "I was not in Washington and I cannot comment on anything I did not hear."

Congressional reaction to the anonymous statement was scattered but to the point. Senators BOURKE B. HICKENLOOPER, Republican of Iowa; and HUBERT HUMPHREY, Democrat of Minnesota, said the administration official's comments on Indochina went far beyond the Eisenhower-Dulles policy as they understood it.

Senator MIKE MANSFIELD, Democrat of Montana and another member of the Foreign Relations Committee, asked that the official identify himself "so that Congress can question him to find out who and what he is speaking for."

Senator William F. Knowland of California, the majority leader, declined any comment on the statement, presumably because he was among those who heard it firsthand and felt bound to respect the official's desire to remain anonymous.

Adopting a phrase used only recently by President Eisenhower, the official remarked that "the United States, as the leader of the free world, cannot afford further retreat in Asia." He expressed the view that the Communist forces could be stopped "without American boys," but added "we must take the risk of putting American boys in the fighting" if there was no other way.

The source of some of the most provocative statements that have been made recently by any Washington official ranged wide in the field of troubled Asian affairs and showed an unusual familiarity with the subject. His auditors were impressed with his knowledge and ability to marshal his facts.

GENEVA PROSPECT SURVEYED

Among the statements he made were these:

The situation in southeast Asia is currently the most important issue facing the United States. It relates to a war we might have to fight in the future and that we might lose.

The main target of the Communists in Korea and in Indochina is Japan. Conquest of areas so vital to Japan's economy would reduce Japan to an economic satellite of the Soviet Union.

The Geneva Conference on Far Eastern Problems, opening April 26, will end in an impasse on Korea. The United States would come out where it went in at Geneva.

At Geneva, however, the United States has to take a position and try to sell it to the reluctant French and British.

The Geneva conference will not create a free, independent, and united Korea, but even so, Dr. Syngman Rhee, President of South Korea, will not move alone. He will continue to use the threat of unilateral action, however, as a strategic weapon.

Korea and Indochina, the source said, will be the two major items on the agenda at Geneva. The allies will be for a free united and independent Korea, he declared, but the Communists cannot agree to that because they know that if an election is held they will lose.

What, then, will the South Koreans do? he asked. It is hard to be dogmatic, he said, but his guess was that President Rhee would not like it but would not take unilateral action that would reopen the war.

President Rhee is a complex man, both a conspirator and a realist, according to this thesis, who knew he could not win without U.S. support so would not move alone, but thought it unwise to announce he would not move alone. So long as the Communists are afraid President Rhee will act unilaterally, they will be forced to act differently at the Geneva conference table, the source said.

Indochina, he said, needs a Syngman Rhee. The war in Indochina involves the future of France, of Asia, of Europe and, finally, the United States, he declared.

From the Communist point of view the war in Korea is about Japan, he continued, and so is the war in Indochina, which is essential to Japan's economic survival. Without trade with Indochina and Korea and with these countries under Communist control, Japan would become an economic satellite of the Soviet Union, which is the Communists' aim, he said.

But he saw no reason why the French forces should not win in Indochina with their greater manpower and tremendous advantage in materials.

The problem is not materials but men, he said, and they will not come from France, which is tired of the war; they must come from Vietnam, Cambodia, and Laos. But the French have been slow in training the native soldiers.

Even more difficult is the problem of giving the Indochinese the will to fight, he went on. He took issue with the view that if the French got out, the Indochinese would fight

to keep their independence, saying Indochina would be Communist-dominated within a month if the French left.

So the United States must go to Geneva and take a positive stand for united action by the free world, he asserted, or it will have to take on the problem alone and try to sell it to the others.

There will be French pressure at Geneva to negotiate and end the fighting at any cost, he said, and the British position will be somewhat similar because of mounting Labor Party pressure and defections in the Conservative ranks. The British do not want to antagonize Red China, which they have recognized.

The United States is the only country that is strong enough politically at home to take a position that will save Asia, the official continued.

NEGOTIATIONS OPPOSED

He raised the question of negotiating to divide the territory, saying the United States could invite the Communists into the government or could negotiate to get the Communists to invite it in, but that negotiations in any form would end up in Communist domination of a vital new area.

Perhaps Communist intransigence about Korea would teach the French and the British the futility of negotiation and bring them over to the plan of united action put forward by Secretary of State John Foster Dulles, he suggested.

The United States completely opposes any suggestion that admission of Communist China to the United Nations be used as a bargaining point at Geneva, he declared. He stressed that it was important to contain Communist China in the area it now holds and that recognition of the Peiping Government, which admission to the United Nations would involve, would emasculate the containment policy.

The three things the United States must do, he said, are to keep up the program of aid to the French forces, encourage France to give real independence to Vietnam, Cambodia, and Laos, and try for a program of united action in Asia.

With regard to the view that it might be politically expedient to agree to negotiations with Red China, he said the answer was that if the United States left its policy to an uninformed public opinion, it would go down the long road to disaster. This country must take the long risks now, he said.

DANGER OF SUBVERSION

An alliance, however, will not meet the real danger in Asia, which is not aggression but internal subversion, he declared.

The free world must face the fact that a pact cannot be effective unless internal subversion can be stopped, he continued, and one way to do this would be to associate the United States with the legitimate aspirations of its friends and potential friends in the Far East.

These aspirations were termed threefold: independence from any foreign domination, recognition of equality, and peace.

U.S. information programs should be maintained and strengthened to carry assurance of this country's sympathy with those aspirations to the Asian countries. The source said he would oppose any curtailment of those programs or cuts in appropriations that would lessen their effectiveness.

All Asians want to be on the winning side and we must let them know that by joining with the United States they would be on the winning side, he said. The leaders making U.S. policy were pictured by him as competent, imaginative, courageous, and dedicated and he said the policies being formulated for Asia would win if public opinion supported them.

But with or without the support of public opinion, if the situation in Indochina re-

quires that American troops be sent there to prevent that area from disappearing behind the Iron Curtain, the administration must face the issue and send the troops, he declared.

NIXON IS REVEALED AS AUTHOR OF STIR OVER INDOCHINA: VICE PRESIDENT TOLD EDITORS UNITED STATES MIGHT INTERVENE WITH TROOPS IF THE FRENCH QUIT—STATE DEPARTMENT DECLARES IT IS HIGHLY UNLIKELY FORCE WILL BE SENT TO ASIA

(By John D. Morris)

WASHINGTON, April 17.—Vice President Richard M. Nixon is the administration official who said yesterday that the United States might have to send troops to Indochina if the French quit fighting there.

The disclosure coincided with the development in Congress of much concern, considerable resistance, and some scattered support for the possible use of U.S. ground forces as a last resort in the crucial Far Eastern war, as suggested by Mr. Nixon.

Senator William F. Knowland, of California, the Senate majority leader, voiced agreement that troops should be sent, if necessary, to keep southeast Asia from falling into the hands of the Communists. He added, however, that he did not think it would be necessary.

Senator Knowland added that Congress and the people would not "be satisfied" with the development of another Korea situation in which this country would "assume 90 percent of the burden."

COOPERATION IS SOUGHT

He added he thought the time had arrived when all nations giving lipservice to the free world defense should take part in the collective security system, and in an allusion to the role of other United Nations members in the Korean war, he expressed the view that Americans would not care again to see "60 backseat drivers" holding back the use of the full military power of the United States. The United Nations has 60 members.

Elsewhere, questions arose as to the propriety of presenting so grave a possibility to the American people through an anonymous "high official," as the Vice President was identified at his own insistence in initial news accounts of his speech.

In the first official reaction to the Vice President's statement from the executive branch, the State Department announced that the dispatch of U.S. troops to Indochina was "highly unlikely."

Without accepting the identification of Mr. Nixon except as "a high Government official," the Department said his address "expressed full agreement" with policies previously set forth by President Eisenhower and Secretary of State John Foster Dulles.

"In regard to a hypothetical question as to whether U.S. forces should be sent to Indochina in the event of French withdrawal, the high Government official categorically rejected the premise of possible French withdrawal," said the State Department.

"Insofar as the use of U.S. forces was concerned, he was stating a course of possible action which he was personally prepared to support under a highly unlikely hypothesis."

"The answer to the question correctly emphasized the fact that the interests of the United States and other free nations are vitally involved with the interests of France and the associated states in resisting Communist domination of Indochina."

Vice President Nixon delivered his speech yesterday at the annual convention of the American Society of Newspaper Editors.

If France stops fighting in Indochina and the situation demands it, he said, the United States will have to send troops to prevent the Communists from taking over this gateway to southeast Asia. This was during a

question period that followed his prepared speech, in which he discussed Far East problems.

Mr. Nixon spoke to the editors on the condition that his remarks would not be attributed to him. News mediums in the United States observed the stipulation in reporting the speech yesterday.

However, the account carried by the Times of London, was worded in such a way as to make it unmistakable that Mr. Nixon was the high official speaking, and France-Solir in Paris identified the Vice President as the speaker.

Representative Clare Hoffman, Republican, of Michigan, meanwhile attributed the speech to the Vice President in an interview with the Daily Star of Niles, Mich.

As a consequence, the editors' society made it known that there was no longer any restriction on publication of the speaker's identity. Mr. Nixon, for his part, made himself unavailable for questioning.

Among editors who heard the speech, the consensus was that Mr. Nixon was testing the reaction of the public and Congress.

REVIEW BY CONGRESS URGED

Senator Knowland voiced doubt that the public would react favorably to the establishment of such a policy in the absence of adequate arrangements for a joint defense force in the Indochina area.

Secretary Dulles is now seeking to establish a 10-nation alliance to guard Indochina and southeast Asia against new aggression.

"It is my belief," Senator Knowland said, "that prior to commitment of any armed forces—land, sea, or air—the President would and should come to Congress and lay the facts before it with his recommendations."

"I believe the reaction of Congress and the American people would to a considerable extent be influenced by what nations would contribute to collective action."

Congress and the people, he said, "would not be satisfied with having this country assume 90 percent of the burden as it did in Korea."

"Nor do I think that they would care to see 60 back-seat drivers restraining the use of our full military potential as they did in Korea," he added.

Mr. Knowland left no doubt that he referred to other members of the United Nations, and added:

"I think the time has arrived when those nations giving lipservice to free world defense should be willing to take part in the collective security system."

Senator Knowland expressed the belief that French withdrawal from Indochina was unlikely and that U.S. ground forces would not be required in any event.

There is ample manpower among the free nations of Asia "to meet the threat in southeast Asia if supported by the air and sea forces of other nations with the potential to do so," he asserted.

Senators LEVERETT SALTONSTALL of Massachusetts and BOURKE B. HICKENLOOPER of Iowa, Republicans, were among those registering outright opposition to the use of U.S. troops.

Mr. SALTONSTALL, chairman of the Armed Services Committee, said that "from the information that has been given me thus far, my opinion is that we should not send men into Indochina."

Senator HICKENLOOPER, a member of the Foreign Relations Committee, said he had no reason to change his past position against such action.

In separate interviews, Senators Ralph E. Flanders, Republican, of Vermont, and John F. Kennedy, of Massachusetts, Estes Kefauver, of Tennessee, and Hubert M. Humphrey, of Minnesota, Democrats, stressed the need for assurances that the United States backed complete independence for the three Indo-chinese states.

Senator Kefauver said he was "unalterably opposed" to sending troops.

Senator GEORGE SMATHERS, Democrat, of Florida, called on the administration to first "put our enemies on notice that if we are drawn into a war, we are going in with everything we have."

Senator Alexander Wiley, Republican, of Wisconsin and chairman of the Foreign Relations Committee, commented merely that "I don't think that [the dispatch of troops] will ever come to pass."

Among other complications caused by the anonymous nature of the speech, the U.S. Information Agency decided not to mention it in yesterday's broadcasts to foreign countries.

One reason, according to officials, was the awkwardness of quoting an anonymous source. But the main hitch, it was said, came from standing instructions to regard President Eisenhower's statement of February 10 as guiding policy on Indochina.

U.S. TECHNICIANS SENT

In his news conference on that day the President said he could not conceive of a greater tragedy for America than to get heavily involved now in all-out war in the Far East. No one, he asserted, could be more bitterly opposed to ever getting the United States involved in a hot war in that region.

Four days earlier, the Government had announced it was sending 200 technicians to help service U.S. planes being used by the French in Indochina. This precipitated protests in the Senate, and assurance was given by the Government that the technicians would be withdrawn in June.

On March 25, at another news conference, the President said the defense of Indochina was "of transcendent importance."

On March 29, Secretary Dulles announced: "Under the conditions of today, the imposition on southeast Asia of the political system of Communist Russia, Chinese Communist ally, by whatever means, would be a grave threat to the whole free community."

"The United States feels that that possibility should not be passively accepted, but should be met by united action. This might have serious risks, but these risks are far less than would face us a few years from now if we dare not be resolute today."

MR. MORSE. Mr. President, British Foreign Secretary Eden's memoirs continue to outline the effort by Secretary Dulles to bring the United States into active participation in Indochina.

MR. SPARKMAN. Mr. President, will the Senator from Oregon yield at that point?

MR. MORSE. I am glad to yield.

MR. SPARKMAN. From whom was that quotation made by Vice President Nixon?

MR. MORSE. From the New York Times of April 17 and 18, 1954.

MR. President, continuing with the quotation:

On the evening of April 23, we were assembled at the Quai d'Orsay for an official dinner, which was being given by the French Government for the NATO powers, when Mr. Dulles drew me aside. Then he told me that a telegram had arrived from General Navarre to the French Government, to the effect that only a powerful airstrike by the United States in the next 72 hours could save the situation at Dienbienphu. . . .

The French Air Force had heavy commitments on supply duties and had to give close tactical support to the garrison. They could not effectively interrupt the flow of Viet-minh supplies from the Chinese border to the main depot, northeast of Dienbienphu. It was the bombing of this depot, dispersed

over a wide area 8 miles square, which General Navarre now wished to see undertaken by the Americans. The French Air Force could then concentrate on attacking the enemy strongpoints in the Dienbienphu area. The French general staff argued that bombing by an outside force, apart from the material damage it would cause, would have a considerable effect on the morale of troops in the fortress and on French and native forces in Indochina generally. They told our general staff that the Americans had offered 60 B-29 aircraft, which would operate from Manila. Each sortie could drop approximately 450 tons of bombs and would operate from 20,000 feet. We were also told by the French that a U.S. Air Force general and 10 officers had visited Dienbienphu to study conditions and discuss the general situation.

On the following day, April 24, I discussed the situation further with Mr. Dulles and Admiral Radford, the Chairman of the American Joint Chiefs of Staff Committee. Mr. Dulles began by saying he was now convinced that there was no chance of keeping the French in the fight unless they knew "that we would do what we can within the President's constitutional powers to join them in the fight." The French had said that it would not be enough if we were to assure them that we would join them in defending the rest of Indochina, in the event of the fall of Dien Bien Phu. Unless we participated, by an airstrike, in the battle for the fortress itself, that would be "their last battle." Mr. Dulles wished to make it plain that there was no possibility of U.S. participation in the Dien Bien Phu battle, because the President had not the power to act with such speed and because it was perfectly clear that no intervention could now save the fortress, where the situation was desperate. I asked Mr. Dulles what measures he had in mind. Admiral Radford replied that there must be some military effort to assist the French without delay. He suggested that British participation might take the form of sending RAF units into Tongking from Malaya or Hong Kong. He also inquired whether we had not an aircraft carrier in the area. Neither he nor Mr. Dulles gave any more explicit account of the joint military action they contemplated. Admiral Radford went on to say that he thought it most likely that when Dien Bien Phu fell, the whole military situation in Indochina would get out of control within a few days. There might be riots in Saigon and Hanoi, and the whole population might turn against the French. The only way he saw of preventing this was to demonstrate that France now had powerful allies in the fight.

In reply to this, I said that the French had not painted anything like so desperate a picture to us. On the contrary, the French Government's line with Her Majesty's Ambassador that morning had been that the situation at Dien Bien Phu was very bad, but that they would fight on elsewhere if it fell. I asked Admiral Radford if he really thought that air intervention by the United States and the United Kingdom could decisively alter the situation. Had the Americans considered the effect on world opinion and how the Chinese would react? I said that I assumed they had not forgotten the Russo-Chinese alliance. It was possible that if we went into Indochina we should find ourselves fighting Vietnam as well as Vietnam, and in addition heading for a world war. Admiral Radford replied that he had never thought that the Chinese would intervene in Indochina, nor had they the necessary resources available. If they attempted air action, we could eliminate this by bombing the Chinese airfields, which were very vulnerable. At the end of our meeting, I told Mr. Dulles that he was confronting British opinion with about as difficult a decision as it would be possible to find. I would at once consult my colleagues.

Shortly after this, Maurice Schumann rang me up to say that both Laniel and Bidault were now strongly in favor of my returning to London, and hoped that I would urge my colleagues to agree to proceeding on the lines desired by Dulles. During the course of the evening, however, the French appeared to have second thoughts. Denis Allen sent me a message after my departure from Paris to say that Bidault was, on reflection, far from enthusiastic about the American proposals. If Dulles pressed the matter, it was probable that Bidault would advise Laniel not to accept American intervention.

From London Airport, I drove to Chequers to give the Prime Minister a full report on the situation. As happened so often in the years we worked together, I found that Sir Winston and I, though physically separated by hundreds of miles, had formed exactly the same conclusion. We agreed that it now seemed inevitable that the French garrison at Dien Bien Phu would be overwhelmed or compelled to surrender. I said that Mr. Dulles and Admiral Radford evidently feared that this would promptly be followed by the collapse of all French resistance throughout Indochina and, in order to avert it, favored some dramatic gesture of Anglo-American intervention in Indochina. They now recognized that this could no longer save Dien Bien Phu, but still wanted to rally French and Vietnamese morale and to prevent a general disintegration. Congress would be more likely to approve such action if intervention were to be on an Anglo-American basis. The Americans had therefore proposed that the United States and the United Kingdom Governments should give the French a joint assurance that they would join in the defense of Indochina, and that, as an earnest of this, they should be given immediate military assistance, including token British participation. I told the Prime Minister that I disagreed both with the American belief that such intervention could be effective and with the view that it could be limited to the use of air forces. I doubted whether intervention would have any substantial effect in rallying public opinion in Indochina, and I was certain that it would not be welcomed by nationalist opinion in southeast Asia generally. Militarily, I did not believe that the limited measures contemplated by the United States could achieve substantial results; no military aid could be effective unless it included ground troops. Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress.

Mr. President, I repeat this statement. This is a report on the attitude of the Prime Minister of Great Britain, Sir Winston Churchill.

Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress into approving a military operation, which would in itself be ineffective, and might well bring the world to the verge of a major war.

We agreed that we must therefore decline to give any undertaking of military assistance to the French and Indochina.

The Dulles mission failed. Dulles failed to draw the British into a U.S. plan to start a major military operation in Indochina.

I say to my colleagues in the Senate that we cannot ignore that history. I express my view on the floor of the Senate today that the failure of Dulles to get the British to go along in starting a war in Indochina of a different type—an Anglo-American war—must be carefully considered when we try to figure out why the United States did not sign the Geneva agreements.

It is my view that we did not sign the Geneva agreements because we did not intend to go along. We have not gone along. Therefore, we stand here today in this ugly, shocking posture of the United States before the eyes of the world, engaging in a unilateral military action in McNamara's war in South Vietnam, unjustifiably killing American boys, with the military and the Secretary of Defense and the President of the United States trying to alibi it.

Mr. President, it cannot be alibied. It is wrong. We cannot act alone. We are not justified in acting alone. The unilateral military action, with all the potentialities of threatening the peace of the world, cannot be justified on the basis of the international law obligations that I shall shortly proceed to discuss in my speech.

I wished to draw this line in my speech at this point. In my judgment, the history of the U.S. operations in Indochina took a turn in London. So Winston Churchill and Sir Anthony Eden turned down Dulles' proposal to start an Anglo-American war in Indochina.

The rejection by Britain of joint action, and the coolness of the French Government effectively ended the plan pushed by Dulles abroad and by Nixon at home to put Americans into the fighting in Indochina.

But Dulles did not give up trying.

This record shows how we got ourselves into our present situation in Vietnam. It must be considered as part of the whole context of our actions today.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. Is it the Senator's thought, in trying to make his speech early in the day, that the press of the United States would pay a little more attention to it than it has to some important utterances on this subject made by him on the floor of the Senate, which have hitherto been completely ignored?

Mr. MORSE. I say most good-naturedly to my friend from Alaska that I will leave that up to the press.

Dulles did not stop trying to get others to involve themselves with us in Indochina.

Eden tells us of the events during the Geneva Conference itself. The conference on Indochina had as participants Great Britain, France, Russia, China, the United States, Cambodia, Laos, the State of Vietnam, and the Republic of Vietnam.

Eden states:

I said that we must really see where we are going. If the Americans went into the Indochina war, the Chinese themselves would inevitably step up their participation. The next stage would be that the Americans and the Chinese would be fighting each other and that was in all probability the beginning of the third world war.

Meanwhile Mr. Robertson, U.S. Assistant Secretary of State for Far Eastern Affairs, whose approach to these questions is so emotional as to be impervious to argument or indeed to facts, was keeping up a sort of "theme song" to the effect that there were in Indochina some 300,000 men who were anxious to fight against the Vietminh and were looking to us for support and encouragement. I said that if they were so anxious to fight I could not understand why they did not do so. The Americans had put in nine

1964

8725

times more supplies of material than the Chinese, and plenty must be available for their use. I had no faith in this eagerness of the Vietnamese to fight for Bao Dai.

Our American hosts then introduced the topic of the training of Vietnamese forces to defend their own country. Whatever the attractions of this scheme, they admitted that it would take perhaps 2 years to finish. The problem was what would happen meanwhile. When Lord Reading asked Mr. Dulles what he thought about this, he replied that they would have to hold some sort of bridgehead, as had been done in Korea until the Inchon landings could be carried out. Lord Reading commented that this meant that things would remain on the boil for several years to come, and Mr. Dulles replied that this would be a very good thing.

I was concerned at this time by developments outside Geneva which, it seemed to me, might endanger our admittedly slender chances of making progress in negotiation. On May 15 I was surprised to find reports in the Swiss morning papers of Franco-American discussions on the possibility of military intervention by the United States in Indochina. That this issue should have been resurrected at such a moment was startling. I at once asked Mr. Bedell Smith if there was any truth in these reports, and he told me he knew nothing about the matter. When M. Bidault came to see me later in the morning, I asked him if he could confirm the rumors, and he gave me a vague denial which largely reassured me. However, at the end of our meeting, M. de Mergelle, his principal adviser on that occasion, led me to the window and said that he had a document which he had been instructed by M. Bidault to read to me. This contained the conditions for United States intervention in Indochina. I commented: "Then what the newspapers said is true." "Certainly," Mergelle replied, "very much so." He gave me the conditions, which were for intervention either after the failure of Geneva, or earlier if the French so desired, and he emphasized that the American preference had been clearly expressed for the earlier date.

The sad, historic fact is that the American Secretary of State was at Geneva, doing everything he could to get a war started in Indochina with American and British participation; trying to convince the French to stay in with such assistance.

That is in the background of McNamara's war in South Vietnam. That is in the background of the unfortunate and, in my opinion, unjustifiable killing of American boys in South Vietnam. It is not the most pleasant chapter of American history. Such facts stir up a rude awakening on the part of thinking Americans who too frequently come to assume falsely that their country can do no wrong.

I am proud to say that the total record of my country is a glorious one. But one cannot sit on the Committee on Foreign Relations and cannot serve in this body for 20 years without knowing that sometimes the record of the United States on some issues is not one that the sunlight of truth shines upon, or that our forefathers, who sacrificed so much to make us free, would be proud of.

This is one of those chapters. We are writing a continuing chapter in this story that will not be pleasant reading to American students in the year 2000, 2025, 2050, 2075, or the year 3000. It will also be regretted by many more Americans much sooner than that.

Eden reported to Churchill:

I myself fear that this new talk of intervention will have weakened what chances remain of agreement at this conference. The Chinese, and to a lesser extent the Russians, have all along suspected that the Americans intend to intervene in Indochina whatever arrangements we try to arrive at here. The Chinese also believe that the Americans plan hostilities against them. These reports could help to convince them that they are right, and I do not accept the U.S. argument that the threat of intervention will incline them to compromise.

On May 29, reports Eden:

As I reported to London at the time, the Americans seemed deeply apprehensive of reaching any agreement, however innocuous, with the Communists. Their delegation had recently been expressing concern about the contacts which they believed to be taking place between the French and Vietminh delegations, and seemed to fear that they would make a deal of their own. I saw no reason to worry about this. There were signs, too, that the bogey of intervention was once again with us. Sir Gladwyn Jebb reported from Paris on May 31 that the United States had practically reached agreement with France on the conditions for intervention, should the conference fail. Bidault confirmed to me on the same day that, if no agreement were to be reached at Geneva, American help was contemplated to the extent of three divisions.

But the conference did not break down. Instead it agreed on a settlement based on seven points that Dulles himself had worked out with Eden. As the conference came to an end, Britain and France both tried to get the United States to sign the Geneva accords. Of this effort Eden writes:

M. Mendes France's main purpose in these conversations, which he pursued with drive and skill, was to dispel Mr. Dulles' suspicion that there would inevitably be some departure by France from the seven points on which we had agreed in Washington. He described to us his negotiations with the Vietminh on the question of the demarcation line in Vietnam, and effectively demonstrated that at no point had his position diverged from the minimum terms which had been defined by the Americans and ourselves. He said that it would be of the greatest help to him if Mr. Dulles would come on to Geneva and give France full backing there; success or failure might depend on this. I did all I could to support Mendes France and to reinforce his request. I told Dulles that we were on a knife-edge, with an even chance of getting the sort of agreement we all wanted. His decision might well decide the issue.

Our combined arguments at first produced no impression. Mr. Dulles told us that after discussion with the President, it had been agreed that he should not return to Geneva. He reiterated his fears that, in the event, France would be compelled to depart from the seven points, and the United States would then have to dissociate herself from the resulting agreement. He said that even if the settlement adhered to the seven points faithfully, the United States still could not guarantee it. American public opinion would never tolerate "the guaranteeing of the subjection of millions of Vietnamese to Communist rule." Dulles concluded by saying that he did not want to put himself in the position of having to say "no" in public. To this Mendes France replied that the United States would not escape the dilemma by refusing to appear at Geneva. Since they were already represented at the conference, they would have to make a decision in any case.

He repeatedly emphasized that Dulles' suspicions about a departure from the "seven points" were wholly unjustified; it was precisely because he wished to secure them that he was anxious for Dulles to come to Geneva.

I had already been warned by Bedell Smith that the U.S. Government could not associate themselves with the final declaration. The most they could do was to issue a declaration taking note of what had been decided and undertaking not to disturb the settlement. Since Dulles had been at least as responsible as ourselves for calling the Geneva Conference, this did not seem to be reasonable. I also feared that it might lead to serious difficulties at our final meeting, for the Chinese had indicated that they would insist upon signature of the final declaration by all the delegations. I thought that I had better have this out with Molotov before the meeting. I went to see him and we eventually agreed that, in order to eliminate the problem of signature, the declaration should have a heading in which all the participating countries would be listed.

Mr. President, the rationale given to the American people for our refusal to sign the Geneva agreement of 1954 was that we were not party to the war. That was nonsense, for our Secretary of State was there, doing everything he could to get us involved in intervention in Indochina.

By 1954, we were financing 75 percent of the French war effort in Indochina. From 1950 to 1954, we poured in more than \$1.5 billion of our money for the French; we were already intervening with our money and our supplies. Russia, China, and Britain were far less involved in it than we were, if at all; but they signed the Geneva Agreement. If our reason for not signing had been valid, we should not have participated in the conference. But we did, because we wanted to have a hand in it; and, as Anthony Eden said, seven basic principles of the accords came from Dulles. Yet we refused to sign the agreement.

I repeat that, in my opinion, when this matter is studied from its four corners, it will be found that there is a clear indication that at that very time, Dulles and Smith and Radford intended to have the United States become involved in Indochina; but they could not very well engage in unilateral action and also have us sign the Geneva accords.

So, Mr. President, why did not our representatives sign that treaty? Why did not South Vietnam sign it? I think the answer is that their refusal to sign it was based on the fact that the United States had already decided to step in to South Vietnam at least, and carry on where France had left off—to keep South Vietnam as a western protectorate and toehold in Asia.

By January 1, 1955, Secretary Dulles was denouncing the Geneva agreements as "a major setback."

GENEVA ACCORD, DECLARATION, AND U.S. POLICY STATEMENT

Mr. President, I ask unanimous consent to have printed at this point in the Record three documents relating to the conclusion of the French war in Indochina: the provisions of the Geneva agreement relating to Vietnam; the Final Declaration of the Geneva Conference; the U.S. Declaration on Indochina,

made by Under Secretary of State Walter Bedell Smith; and the press conference statements of the time by President Eisenhower and Secretary Dulles.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

DOCUMENT NO. 5—AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIETNAM, JULY 20, 1954

Chapter I—Provisional military demarcation line and demilitarized zone

Article 1

A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Vietnam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached.¹

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kilometers from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

Article 2

The period within which the movement of all forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed shall not exceed 300 days from the date of the present agreement's entry into force.

Article 3

When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank by the other party. The Joint Commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

Article 4

The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast. All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Vietnam.

Article 5

To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies, and equipment shall be withdrawn from the demilitarized zone within 25 days of the present agreement's entry into force.

Article 6

No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorized to do so by the Joint Commission.

Article 7

No person, military or civilian, shall be permitted to enter the demilitarized zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Joint Commission.

Article 8

Civil administration and relief in the demilitarized zone on either side of the provisional military demarcation line shall be the responsibility of the commanders-in-chief of the two parties in their respective

zones. The number of persons, military or civilian, from each side who are permitted to enter the demilitarized zone for the conduct of civil administration and relief shall be determined by the respective Commanders, but in no case shall the total number authorized by either side exceed at any one time a figure to be determined by the Trung Gia Military Commission or by the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorized to do so by the Joint Commission.

Article 9

Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarized zone, of the Joint Commission, its joint groups, the International Commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorized to enter the demilitarized zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the military control of either side over any road or waterway which has to be taken between points within the demilitarized zone when such points are not connected by roads or waterways lying completely within the demilitarized zone.

Chapter II—Principles and procedures governing implementation of the present agreement

Article 10

The Commanders of the Forces on each side, on the one side the Commander in Chief of the French Union forces in Indochina and on the other side the Commander in Chief of the People's Army of Vietnam, shall order and enforce the complete cessation of all hostilities in Vietnam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

Article 11

In accordance with the principle of a simultaneous cease-fire throughout Indochina, the cessation of hostilities shall be simultaneous throughout all parts of Vietnam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Vietnam at 8 a.m. (local time) on July 27, 1954.

Central Vietnam at 8 a.m. (local time) on August 1, 1954.

Southern Vietnam at 8 a.m. (local time) on August 11, 1954.

It is agreed that Peking mean time shall be taken as local time.

From such time as the cease-fire becomes effective in Northern Vietnam, both parties undertake not to engage in any large-scale offensive action in any part of the Indo-Chinese theatre of operations and not to commit the air forces based on Northern Vietnam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping zone to another within 25 days of the present Agreement's entry into force.

Article 12

All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire Agreement shall have become effective, the number to be determined on

the spot by the Trung Gia Military Commission, each party shall be responsible for removing and neutralising mines (including river- and sea-mines), bobby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralisation in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the free movement of the personnel of the Joint Commission and its joint groups, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the commanders of the opposing forces;

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see article 24), the latter party's forces must provisionally withdraw three kilometres on each side of such route, but in such a manner as to avoid interfering with the movements of the civil population.

Article 13

From the time of the ceasefire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air-corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air-corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trung Gia Military Commission.

Article 14

Political and administrative measures in the two regrouping zones, on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Vietnam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present agreement.

(b) Any territory controlled by one party which is transferred to the other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to ensure that there is no break in the transfer of responsibilities. For this purpose, adequate notice shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trung Gia Military Commission. The transfer shall be effected in successive stages for the various territorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Vietnam shall be completed within the respective time-limits laid down in article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against per-

¹ Map not printed.

sons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

Article 16

The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within 300 days, as laid down in article 2 of the present agreement;

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly instalments proportionate to the number of troops to be transferred;

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible;

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration;

(e) The Joint Commission and the International Commission shall insure that steps are taken to safeguard the forces in the course of withdrawal and transfer;

(f) The Trung Gia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the disengagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below:

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it and the other party's provisional withdrawal from it, shall be completed within a period not exceeding 15 days after the date when the cease fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps² annexed to the present agreement.

In order to avoid any incidents, no troops shall be stationed less than 1,500 metres from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter:

Meridian of the southern point of Kebao Island.

Northern coast of Ile. Rousse (excluding the island), extended as far as the meridian of Campha-Mines.

Meridian of Campha-Mines.

2. The withdrawals and transfers shall be effected in the following order and within the following periods (from the date of the entry into force of the present agreement):

² Maps not printed.

Forces of the French Union

	Days
Hanoi perimeter.....	80
Haiduong perimeter.....	100
Haiphong perimeter.....	300

Forces of the People's Army of Vietnam

	Days
Ham Tan and Xuyenmoc provisional assembly area.....	80
Central Vietnam provisional assembly area—first instalment.....	80
Plaine des Joncs provisional assembly area.....	100
Central Vietnam provisional assembly area—second instalment.....	100
Pointe Camau provisional assembly area.....	200
Central Vietnam provisional assembly area—last instalment.....	300

Chapter III—Ban on the introduction of fresh troops, military personnel, arms, and munitions. Military bases

Article 16

With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and groups of personnel, the arrival in Vietnam of individual personnel on a temporary duty basis and the return to Vietnam of the individual personnel after short periods of leave or temporary duty outside Vietnam shall be permitted under the conditions laid down below:—

(a) Rotation of units (defined in paragraph (c) of this article) and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present agreement during the withdrawal period provided for in article 2.

However, under the heading of individual personnel not more than 50 men, including officers, shall during any one month be permitted to enter that part of the country north of the provisional military demarcation line on a temporary duty basis or to return there after short periods of leave or temporary duty outside Vietnam.

(b) "Rotation" is defined as the replacement of units or groups of personnel by other units of the same echelon or by personnel who are arriving in Vietnam territory to do their overseas service there;

(c) The units rotated shall never be larger than a battalion—or the corresponding echelon for air and naval forces;

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter neither party shall introduce more than 15,500 members of its armed forces into Vietnam under the rotation policy.

(e) Rotation units (defined in paragraph (c) of this article) and groups of personnel, and the individual personnel mentioned in this article, shall enter and leave Vietnam only through the entry points enumerated in article 20 below;

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units, groups of personnel and individual personnel in or from Vietnam. Reports on the arrivals or departures of units, groups of personnel and individual personnel in or from Vietnam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of

arrival or departure and the number of persons arriving or departing;

(g) The International Commission, through its Inspection Teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorised above, at the points of entry enumerated in article 20 below.

Article 17

(a) With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munition and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines, and jet weapons and armoured vehicles, is prohibited.

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war material, arms and ammunitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present agreement, during the withdrawal period provided for in article 2.

Naval craft may perform transport operations between the regrouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in paragraph (b) of this article, shall be introduced into Vietnam only through the points of entry enumerated in article 20 below. War material, arms and munitions to be replaced shall be shipped from Vietnam only through the points of entry enumerated in article 20 below.

(d) Apart from the replacements permitted within the limits laid down in paragraph (b) of this article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited.

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Vietnam of arms, munitions and other war material (as defined in paragraph (a) of this article) for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced.

(f) The International Commission, through its inspection teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this article, at the points of entry enumerated in article 20 below.

Article 18

With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Vietnam territory.

Article 19

With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the regrouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

Article 20

The points of entry into Vietnam for rotation personnel and replacements of material are fixed as follows:

Zones to the north of the provisional military demarcation line: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen;

Zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

Chapter IV—Prisoners of war and civilian internees

Article 21

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of 30 days after the date when the cease-fire becomes effective in each theater.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

Chapter V—Miscellaneous

Article 22

The commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present agreement are suitably punished.

Article 23

In cases in which the place of burial is known and the existence of graves has been established, the commander of the forces of either party shall, within a specific period after the entry into force of the armistice agreement, permit the graves service personnel of the other party to enter the part of Vietnam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The commanders of the forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

Article 24

The present agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarized zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Vietnam.

For the purposes of the present Article, the word "territory" includes territorial waters and air space.

Article 25

The commanders of the forces of the two parties shall afford full protection and all possible assistance and cooperation to the Joint Commission and its joint groups and

to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

Article 26

The costs involved in the operations of the Joint Commission and joint groups and of the International Commission and its inspection teams shall be shared equally between the two parties.

Article 27

The signatories of the present agreement and their successors in their functions shall be responsible for ensuring the observance and enforcement of the terms and provisions thereof. The commanders of the forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present agreement by all elements and military personnel under their command.

The procedures laid down in the present agreement shall, whenever necessary, be studied by the commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

Chapter VI—Joint Commission and International Commission for Supervision and Control in Vietnam

Article 28

Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

Article 29

On International Commission shall ensure the control and supervision of this execution.

Article 30

In order to facilitate, under the conditions shown below, the execution of provisions concerning joint actions by the two parties, a Joint Commission shall be set up in Vietnam.

Article 31

The Joint Commission shall be composed of an equal number of representatives of the commanders of the two parties.

Article 32

The Presidents of the delegations to the Joint Commission shall hold the rank of general.

The Joint Commission shall set up joint groups, the number of which shall be determined by mutual agreement between the parties. The joint groups shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the regrouping zones shall be determined by the parties whilst taking into account the powers of the Joint Commission.

Article 33

The Joint Commission shall ensure the execution of the following provisions of the Agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Vietnam for all regular and irregular armed forces of the two parties.

(b) A regroupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the regrouping zones and of the demilitarized sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavour to solve such disputed questions as may arise between the parties in the course of executing these provisions.

Article 34

An International Commission shall be set up for the control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Vietnam. It shall be composed of representatives

of the following States: Canada, India, and Poland.

It shall be presided over by the Representative of India.

Article 35

The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States. The mixed teams shall be located at the following points: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen, Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cape St. Jacques, Tranchau. These points of location may, at a later date, be altered at the request of the joint commission, or of one of the parties, or of the international commission itself, by agreement between the international commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Vietnam, the demarcation lines between the regrouping zones and the demilitarized zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfillment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the inspection teams, &c.) They shall have at their disposal such modern means of transport, observation, and communication as they may require. Beyond the zones of action as defined above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

Article 36

The international commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfil the tasks of control, observation, inspection, and investigation connected with the application of the provisions of the agreement on the cessation of hostilities, and it shall in particular:

(a) Control the movement of the armed forces of the two parties, effected within the framework of the regroupment plan.

(b) Supervise the demarcation lines between the regrouping areas, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian internees.

(d) Supervise at ports and airfields as well as along all frontiers of Vietnam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personnel, and of all kinds of arms, munitions, and war material.

Article 37

The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

Article 38

The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the Commission.

Article 39

If any one inspection team is unable to settle an incident or considers that there is a

violation or a threat of a serious violation, the International Commission shall be informed; the latter shall study the reports and the conclusions of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

Article 40

When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

Article 41

The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 42. If the votes are divided, the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Vietnam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

Article 42

When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely:

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan;

(b) Violation by the armed forces of one of the parties of the regrouping zones, territorial waters, or air space of the other party; the decisions of the International Commission must be unanimous.

Article 43

If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 42, it shall submit a majority report and one or more minority reports to the members of the Conference.

The International Commission shall inform the members of the Conference in all cases where its activity is being hindered.

Article 44

The International Commission shall be set up at the time of the cessation of hostilities in Indochina in order that it should be able to fulfil the tasks provided for in article 36.

Article 45

The International Commission for Supervision and Control in Vietnam shall act in close cooperation with the International Commissions for Supervision and Control in Cambodia and Laos.

The Secretaries-General of these three Commissions shall be responsible for coordinating their work and for relations between them.

Article 46

The International Commission for Supervision and Control in Vietnam may, after consultation with the International Commissions for Supervision and Control in Cambodia and Laos, and having regard to the development of the situation in Cambodia and Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

Article 47

All the provisions of the present Agreement, save the second subparagraph of article 11, shall enter into force at 2400 hours (Geneva time) on July 22, 1954.

Done in Geneva at 2400 hours on the 20th of July, 1954, in French and in Vietnamese, both texts being equally authentic.

For the commander-in-chief of the French Union Forces in Indochina:*

DELTIEL,

Brigadier-General.

For the commander in chief of the People's Army of Vietnam.

TA-QUANG-BUU,

Vice-Minister of National Defence of the Democratic Republic of Vietnam.

U.S. DECLARATION ON INDOCHINA

(NOTE.—Following is the text of a statement made by Under Secretary Walter B. Smith at the concluding Indochina plenary session at Geneva on July 21:)

As I stated on July 18: my Government is not prepared to join in a declaration by the Conference such as is submitted. However, the United States makes this unilateral declaration of its position in these matters:

DECLARATION

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations takes note of the agreements concluded at Geneva on July 20 and 21, 1954 between (a) the Franco-Laotian Command and the Command of the Peoples Army of Vietnam; (b) the Royal Khmer Army Command and the Command of the Peoples Army of Vietnam; (c) Franco-Vietnamese Command and the Command of the Peoples Army of Vietnam and of paragraphs 1 to 12 inclusive of the declaration presented to the Geneva Conference on July 21, 1954 declares with regard to the aforesaid agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them, in accordance with article 2 (4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

In connection with the statement in the declaration concerning free elections in Vietnam my Government wishes to make clear its position which it has expressed in a declaration made in Washington on June 29, 1954* as follows:

"In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations, to insure that they are conducted fairly."

With respect to the statements made by the representative of the State of Vietnam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position.

We share the hope that the agreements will permit Cambodia, Laos and Vietnam to play their part, in full independence and sovereignty, in the peaceful community of nations, and will enable the peoples of that area to determine their own future.

* Not printed.

* Bulletin of July 12, 1954.

NEWS CONFERENCE STATEMENT BY THE PRESIDENT

I am glad, of course, that agreement has been reached at Geneva to stop the bloodshed in Indochina.

The United States has not been a belligerent in the war. The primary responsibility for the settlement in Indochina rested with those nations which participated in the fighting. Our role at Geneva has been at all times to try to be helpful where desired and to aid France and Cambodia, Laos, and Vietnam to obtain a just and honorable settlement which will take into account the needs of the interested people. Accordingly, the United States has not itself been party to or bound by the decisions by the Conference, but it is our hope that it will lead to the establishment of peace consistent with the rights and the needs of the countries concerned. The agreement contains features which we do not like, but a great deal depends on how they work in practice.

The United States is issuing at Geneva a statement to the effect that it is not prepared to join in the Conference declaration, but, as loyal members of the United Nations, we also say that, in compliance with the obligations and principles contained in article 2 of the United Nations Charter, the United States will not use force to disturb the settlement. We also say that any renewal of Communist aggression would be viewed by us as a matter of grave concern.

As evidence of our resolve to assist Cambodia and Laos to play their part, in full independence and sovereignty, in the peaceful community of free nations, we are requesting the agreement of the Governments of Cambodia and Laos to our appointment of an Ambassador or Minister to be resident at their respective capitals (Phnom Penh and Vientiane). We already have a Chief of Mission at Saigon, the capital of Vietnam, and this Embassy will, of course, be maintained.

The United States is actively pursuing discussions with other free nations with a view to the rapid organization of a collective defense in southeast Asia in order to prevent direct or indirect Communist aggression in that general area.

NEWS CONFERENCE STATEMENT BY SECRETARY DULLES

The Geneva negotiations reflected the military developments in Indochina. After nearly 8 years of war the forces of the French Union had lost control of nearly one-half of Vietnam, their hold on the balance was precarious, and the French people did not desire to prolong the war.

These basic facts inevitably dominated the Indochina phase of the Geneva Conference and led to settlements which, as President Eisenhower said, contain many features which we do not like.

Since this was so, and since the United States itself was neither a belligerent in Indochina nor subject to compulsions which applied to others, we did not become a party to the Conference results. We merely noted them and said that, in accordance with the United Nations Charter, we would not seek by force to overthrow the settlement. We went on to affirm our dedication to the principle of self-determination of peoples and our hope that the agreements would permit Cambodia, Laos, and Vietnam to be really sovereign and independent nations.

The important thing from now on is not to mourn the past but to seize the future opportunity to prevent the loss in northern Vietnam from leading to the extension of communism throughout southeast Asia and the Southwest Pacific. In this effort all of the free nations concerned should profit by the lessons of the past.

April 24

One lesson is that resistance to communism needs popular support, and this in turn means that the people should feel that they are defending their own national institutions. One of the good aspects of the Geneva Conference is that it advances the truly independent status of Cambodia, Laos, and southern Vietnam. Prime Minister Mendès-France said yesterday that instructions had been given to the French representatives in Vietnam to complete by July 30 precise projects for the transfers of authority which will give reality to the independence which France had promised. This independence is already a fact in Laos and Cambodia, and it was demonstrated at Geneva, notably by the Government of Cambodia. The evolution from colonialism to national independence is thus about to be completed in Indochina, and the free governments of this area should from now on be able to enlist the loyalty of their people to maintain their independence as against Communist colonialism.

A second lesson which should be learned is that arrangements for collective defense need to be made in advance of aggression, not after it is underway. The United States for over a year advocated united action in the area, but this proved not to be practical under the conditions which existed. We believe, however, that now it will be practical to bring about collective arrangements to promote the security of the free peoples of southeast Asia. Prompt steps will be taken in this direction. In this connection we should bear in mind that the problem is not merely one of deterring open armed aggression but of preventing Communist subversion which, taking advantage of economic dislocations and social injustice, might weaken and finally overthrow the non-Communist governments.

If the free nations which have a stake in this area will now work together to avail of present opportunities in the light of past experience, then the loss of the present may lead to a gain for the future.

TEXT OF FINAL DECLARATION

"Final declaration, dated July 21, 1954, of the Geneva Conference on the problem of restoring peace in Indochina, in which the representatives of Cambodia, the Democratic Republic of Vietnam, France, Laos, the People's Republic of China, the State of Vietnam, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America took part.

"1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos, and Vietnam and organizing international control and the supervision of the execution of the provisions of these agreements.

"2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos, and Vietnam. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos, and Vietnam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

"3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

"4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Vietnam prohibiting the introduction into Vietnam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the

Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel, or in instructors except for the purpose of effective defense of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

"5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Vietnam to the effect that no military base at the disposition of a foreign state may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other states if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign powers.

"6. The Conference recognizes that the essential purpose of the agreement relating to Vietnam is to settle military questions with a view to ending hostilities and that the military demarcation line should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Vietnam.

"7. The Conference declares that, so far as Vietnam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity, and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot.

"In order to insure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the member states of the International Supervisory Commission referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from April 20, 1955, onward.

"8. The provisions of the agreements on the cessation of hostilities intended to insure the protection of individuals and of property must be most strictly applied and must, in particular, allow every one in Vietnam to decide freely in which zone he wishes to live.

"9. The competent representative authorities of the northern and southern zones of Vietnam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

"10. The Conference takes note of the declaration of the French Government to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos, and Vietnam, at the request of the governments concerned and within a period which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of

French troops shall remain at specified points and for a specified time.

"11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the reestablishment and consolidation of peace in Cambodia, Laos, and Vietnam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity, and territorial integrity of Cambodia, Laos, and Vietnam.

"12. In their relations with Cambodia, Laos, and Vietnam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity, and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

"13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to insure that the agreements on the cessation of hostilities in Cambodia, Laos, and Vietnam are respected."

Mr. MORSE. Mr. President, I do not believe the United States wanted to put its name on the text of that agreement of July 21, 1954, because a few weeks before we had decided to back Ngo Dinh Diem as head of a government in South Vietnam. He was appointed Premier by the former Emperor, Bao Dai, on July 7.

If all the facts behind the American decision to put its full support behind Diem are ever published, they will show the heavy hand of the Central Intelligence Agency in that decision. It was a decision recommended and supported not through State Department channels, but through CIA channels.

A letter of October 21, 1954, from President Eisenhower to Premier Diem put our commitment in writing. It called upon Diem to make certain reforms. We do not talk about that any more. When Diem did not make the reforms that we believed were the minimum needed to make his government even look like a success, we dumped him. We got another boy, so to speak. In fact, we have gotten two other boys; and we have stopped talking about needed reforms as a condition of aid.

We no longer talk about freedom in South Vietnam, for there is little there. The United States is supporting a military Fascist dictatorship, as ruinous to human liberties and rights as vicious communism is, for there are no differences between police states, when it comes to human rights. Mr. President, that is not going to be pleasant reading for our descendants. When one is making history, sometimes it is easy to overlook what one is doing. Of course we are making history in our foreign policy in South Vietnam; and it is a history of foreign policy, in connection with McNamara's war, that is completely out of line with the glorious chapters that comprise the overall volume of American history—so much out of line, Mr. President, that I wish we could tear out that part; I wish we could erase it. But, of course, we cannot. However, we do not need to continue to write it. So my plea is that we stop writing it. We need to keep faith with the man whom I consider the greatest leader in the field of

1964

CONGRESSIONAL RECORD — SENATE

8731

foreign policy in this body during my many years of service here—a great Republican, a great chairman of the Senate Foreign Relations Committee, the incomparable Arthur Vandenberg.

The Senate has heard me say it many times. But I want it in the speech. It presents an opposing view to the policy of my Government in South Vietnam. This great tenet of Vandenberg's, which is a tenet affecting the whole philosophy of our foreign policy, is unanswerable. The advocates of expediency in foreign policy, which means the advocates of the policy of intellectual dishonesty, cannot answer it, for there is nothing practical about the expediency.

Vandenberg pointed out that there is no hope for permanent peace in the world until all of the nations of the world are willing to set up a system of international justice through law, to the procedures of which would be submitted, for final and binding decision, every issue that threatens the peace of the world. They would be enforced by an international organization such as the United Nations.

That great American ideal cannot be reconciled with American foreign policy in South Vietnam. They are poles apart. We have not even suggested that the South Vietnam issue should be taken to the United Nations. We have not even urged that an international peace-keeping organization ought to be set up in South Vietnam to keep the warring parties apart, as we participate in the Congo, Middle East, and Cyprus. This is one of the purposes of the United Nations Charter.

As far as our policy in relationship to our obligations under the United Nations in South Vietnam is concerned, it would appear that we think the United Nations Charter is a scrap of paper in respect to South Vietnam. But it is not. It is still a treaty binding upon all the signatories, including the United States, for we signed the charter. We have the same obligation today that we had when it was signed in San Francisco, and that we had when the charter was ratified by the Senate, and that we had when it became an international law treaty committing the United States to fulfillment of its obligations. We cannot square that with our record in South Vietnam.

I do not believe the United States wanted to put its name on the text of the treaty of July 21, 1954. A letter of October 21, 1954, from President Eisenhower to Premier Diem, put our commitment in writing, and as I said, set forth certain conditions for reform that the President made conditions precedent to U.S. support.

But the commitment was to Diem. This was the letter President Johnson referred to on March 24, 1964, when he said he found himself in the same place President Eisenhower found himself in 10 years ago. Unfortunately, this is just where we are—in the same place, and perhaps even less so.

I ask unanimous consent that the text of this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

LETTER TO THE PRESIDENT OF THE COUNCIL OF MINISTERS OF VIETNAM REGARDING ASSISTANCE FOR THAT COUNTRY, OCTOBER 25, 1954

(Released Oct. 25, 1964, dated Oct. 1, 1954)

His Excellency Ngo DINH DIEM,
President of the Council of Ministers,
Saigon, Vietnam.

DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Vietnam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Vietnam have caused grave concern regarding the future of a country temporarily divided by an artificial military grouping, weakened by a long and exhausting war and faced with enemies without and by their subversive collaborators within.

Your recent requests for aid to assist in the formidable project of the movement of several hundred thousand loyal Vietnamese citizens away from areas which are passing under a de facto rule and political ideology which they abhor, are being fulfilled. I am glad that the United States is able to assist in this humanitarian effort.

We have been exploring ways and means to permit our aid to Vietnam to be more effective and to make a greater contribution to the welfare and stability of the Government of Vietnam. I am, accordingly, instructing the American Ambassador to Vietnam to examine with you in your capacity as Chief of Government, how an intelligent program of American aid given directly to your government can serve to assist Vietnam in its present hour of trial, provided that your government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied.

The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. MORSE. This letter was not a treaty; it was not a resolution of Congress carrying the weight of law. It was the promise of one head of government to ask Congress to do certain things if certain conditions were met by Diem.

Neither man remains in office. The conditions were not met. But the aid was sent anyway. Even after we helped remove Diem from office, American support continued.

Why? Because we have never regarded or treated South Vietnam as a sovereign country. We have regarded and treated it as our protectorate. We rule through local rulers, just as the French did. But the strings are pulled by American hands, and with American money.

Of course, our interest there is primarily military. With the French it was primarily economic, and still is. But the United States has put its trust in "reeking tube and iron shard" for so long we scarcely know how to deal with for-

eign countries and foreign problems in anything but military terms.

AMERICAN RESPONSIBILITIES UNDER GENEVA AGREEMENT

Not being a party to the Geneva Agreement, and South Vietnam not being a party to it, what possible right does the United States have to enforce it unilaterally? None. The United States has no rights under it at all. South Vietnam may have some, since her territory is governed by it.

We have claimed that the Geneva agreement has been violated by North Vietnam, and we have pointed to the 1962 report of the International Control Commission, which reported violations by North Vietnam.

But what about the 1957 report of the Commission which found that both North and South Vietnam had violated the Geneva Agreement, and what is more, that the United States had aided, abetted and participated in the South Vietnamese violations?

Take a look at the language of article 16 of the Geneva Agreement:

With the effect of the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

I wonder if Secretary McNamara ever read it. Look at article 17:

With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions, and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles, is prohibited.

Secretary McNamara can talk all he likes about violations of the agreement by North Vietnam but the United States and South Vietnam began violating the agreement on January 1, 1955, when we began our military aid program to South Vietnam.

Paragraphs 59 and 60 of the International Commission for Supervision and Control in Vietnam report of 1957 state:

59. In paragraph 27 of the fifth interim report reference was made to complaints received from the PAVN High Command regarding alleged violations of articles 16 and 17 of the Geneva Agreement. The Commission has not been able to carry out its investigation mentioned in that paragraph regarding the alleged construction of a new airfield at Nha Ban in South Vietnam, the reasons being alleged insecurity conditions in the area and the stand of the Government of the Republic of Vietnam, mentioned in paragraph 44 above. The PAVN High Command has also alleged the construction of two other airfields in South Vietnam. This is under investigation.

60. During the period under report, the Commission has received a total of 24 complaints alleging 76 specific instances of violations of articles 16 and 17 in South Vietnam. In two cases where United States and Vietnamese Military personnel were introduced into South Vietnam without any notification under article 16(f), the Operations Committee of the Commission came to the conclusion that there had been a violation of article 16. In one case where a U.S. military plane brought to Saigon a consignment of aircraft wheel tires the Committee concluded that there had been a technical violation of article 17. In the first two

cases, mentioned above, the Commission asked the French High Command to show cause why a finding of violation of article 16 should not be given, and in the third case why a finding of violation of article 17 should not be given. The French Liaison Mission in its reply dated the 21st July has not denied the facts but has stated that due to lack of coordination between the various Vietnamese services, notifications were not given. The matter is under the consideration of the Commission.

In another case the Commission decided that there had been no violation as on the date mentioned by the PAVN High Command in its complaint, no U.S. plane had landed at Tourane and, in one more case, that the allegation had not been proved. In two cases the Commission declined to undertake any investigation as the allegations were too general. For the same reason the Commission just noted two complaints from the PAVN High Command. The other complaints are under inquiry. In some cases it has been found that team reports bear out the allegations made by the PAVN High Command of violations of articles 16 and 17. In such cases the party has been asked to explain why notifications as required under the agreement have not been given and why the procedure laid down in protocol 23 for the introduction of war material and military personnel has not been followed.

Paragraph 63 states:

63. One major case of a foreign military mission in South Vietnam came up during the period under report. On April 25, 1956, the Commission received a request from the French liaison mission and the Republic of Vietnam for grant of permission for the entry of 350 military personnel of the U.S. Army Service Corps into South Vietnam. It was stated that these persons would constitute a mission called TERM—Temporary Equipment Recovery Mission—whose duties would be to examine war material and military equipment lying in South Vietnam which was the property of the U.S. Government for the purpose of selecting material to be exported from Vietnam and to protect and preserve this material. The Commission was informed that the members of TERM would start entering South Vietnam by the last week of May 1956. The Commission informed the French Liaison Mission that the matter was under consideration and that, pending the decision of the Commission, no entry should be effected. In spite of this, 290 U.S. military personnel belonging to the TERM have been introduced into South Vietnam, thus facing the Commission with a fait accompli.

The Commission takes exception to this method of procedure adopted by the French Liaison Mission and the Government of the Republic of Vietnam. The Commission gave due consideration to the request of the Republic of Vietnam and communicated its decision on May 29, 1956. In this letter the Commission asked for assurances that the functions of Term would be solely the selection of material for export from the country and that it would not be used for any other purpose. The Commission further asked for details regarding the mission, number, and names of personnel, their postings in the country and the tasks assigned to each one of them. Lastly, the Commission proposed certain conditions on acceptance of which the Commission would be prepared to agree to the entry of the Term personnel. These conditions include submission of fortnightly progress reports on the work of Term, submission of notifications regarding entry and exit of Term personnel, right of the Commission and its fixed teams to control entry and exit, and the right of the Commission to conduct spot checks at any place where Term personnel were functioning. The matter is being pursued

with the authorities of the Republic of Vietnam, whose final acceptance of the Commission's conditions has not yet been received. The Commission has also received complaints from the PAVN High Command regarding alleged activities of certain U.S. military missions in South Vietnam as constituting violations of articles 16, 17, 18, and 19 of the agreement. The matter is under the consideration of the Commission which is awaiting the comments of the French High Command.

I ask unanimous consent to have the full text of this report printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. McIntyre in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, any aid to North Vietnam from China and Russia put together cannot come close to matching the aid we have given to the South Vietnam Government. In a sense, the United States is arming the rebels, too, because much of their equipment is captured from the Government forces.

I digress to say that the American people would be greatly surprised if they knew how much American equipment has been captured by the Vietcong. The briefings we have received, in which we have asked questions on this subject, always produce information that great quantities of American military equipment have been captured from the South Vietnamese by the Vietcong, which is being shot back at American boys.

That is why the American military officers who have communicated with me talk about the nature of this operation and point out that it really is not a war operation in the sense that our military proceeds to take the steps it would proceed to take if we were conducting an out-and-out war operation, giving the protection to American boys that they ought to have. That is why military officers who have communicated with me have pointed out that we are not fair to the American boys who are dying in South Vietnam. We are not giving them the military protection to which they are entitled. One of those officers said, "Senator, many times American boys are sitting ducks." We cannot give protection to Americans in helicopters, the way the military operations are being conducted. We cannot give them the protection they should have as we send them out in jeeps and other military vehicles along with the Vietnamese. They are greatly outnumbered. In those forays we not only lose precious American lives, but much American equipment, which gets into the hands of the Vietcong, who use it to fight back.

I think it is probably the strangest, most ludicrous, paradoxical, inexcusable American military operation in the history of the Republic.

From whatever angle one looks at McNamara's war in South Vietnam, he cannot justify it from the standpoint of desirable American policy. How long are we going to continue it? How long is it going to take for the American people to finally make clear that they want no more of it, as the French people finally made clear to the French Government they wanted no more of it?

The policy should change. We should participate with the United Nations, as I shall say in some detail toward the close of my remarks as I discuss the blueprint for action which I believe should be the substitute for our present foreign policy in South Vietnam.

Mr. Nixon is proposing that we expand the war into North Vietnam, which means beyond any question of doubt a proposal that our country become an out-and-out aggressor nation. Unbelievable. Fantastic. Yet there it is—an ugly reality.

Rationalizers and alibiers are trying to wave the flag into tatters to justify it. They cannot justify it. This is a sorry record of the history of American participation in the development of the unfortunate plight in which we now find ourselves, starting with the account of what happened prior to the Geneva accords.

Mr. President, I do not like to stand on the floor of the Senate and charge my government with violating the Geneva agreement, but I am satisfied that we are violating it. Why did we never take our own complaints about violations to the signers of the Geneva agreement? They are the nations responsible for its enforcement, not the United States.

I am at a loss to understand the Secretary of State and other officials of the State Department, who give us the same kind of rationalization—that we are in South Vietnam because North Vietnam and possibly other countries are violating the Geneva treaty. We are not even a party to the Geneva treaty, and neither is South Vietnam.

But the Secretary of State does not have to be told that. He knows. He knows that if any country is violating a treaty and endangering the peace of the world, any member of the United Nations not only has the right but also the duty to take the offender before the United Nations for an accounting.

I said to the Secretary of State the other day, "Give me one reason for not going before the United Nations."

I have listened to weak, meaningless replies when one takes a look at the substantive problem involved. All I could get out of the Secretary of State was that he did not believe the United Nations would do anything about it.

I do not have to tell the Senate what my reply was: "Mr. Secretary, how will you ever know until you try."

I will tell the Senate why we have not taken it to the United Nations. We do not wish to do so because the United Nations would never support our policy, because we want to continue to treat South Vietnam as an American protectorate. What are we doing with a protectorate?

All I can hope for is that before it is too late the American people will become fully aware of what their country is up to. Let me warn again—and I have raised this warning on the floor of the Senate before as I have discussed Mr. McNamara's war in South Vietnam—expand the war into North Vietnam and there will not be a person in Government who can be sure Red China will not come in. There will not be a person in Government who can be sure, if we make the

stupid mistake of expanding the war into North Vietnam, that it will not provide a meeting ground for Khrushchev and the Red Chinese to get back together again. I do not know what facts anyone in the State Department or the Pentagon can point to which would indicate that Khrushchev will let the Western Powers take over southeast Asia.

I thought we learned our lesson from what happened in Korea. In the past 10 days I pointed out on the floor of the Senate that our leading military officials, except for General MacArthur, were very much concerned about the danger of the Red Chinese and the Red Russians coming in if we bombed beyond the Yalu.

That was when the old slogan was developed:

There is no substitute for victory.

There was also talk about privileged sanctuaries beyond the Yalta. General MacArthur wished to bomb beyond the Yalu against the orders of his Commander in Chief not to bomb beyond the Yalu.

We all know that President Truman took an unjustifiable castigation and a great deal of criticism on that score. It has now come out into the open. It is known that every high American military official in command at the time advised the Commander in Chief, the President of the United States, that if we bombed beyond the Yalu and Red China and Red Russia came in, they would control the air and massacre American soldiers by the thousands. At that time, we did not control the air, and they would have driven the American Air Force out of the skies. This contributes to a better understanding of why, during my service in the Senate, I voted for more money for air power than any President whom I have served had recommended.

But military power alone will not save us. I know that if the road that mankind is to walk is merely the road toward greater and greater armaments and power to kill, all civilized nations are through.

Why have we not taken our complaints about violations of the agreements to the signers of the treaty itself? They are the nations who are primarily responsible for its enforcement.

Was it because the United States has never really accepted the ousting of Western Powers from Indochina? Is it because we planned to stay in South Vietnam no matter what the Geneva agreement decided?

Certainly that is what the record indicates. There is not one single treaty or international law document that authorizes this country to involve ourselves in South Vietnam or to police the Geneva agreement. On the contrary, all our international legal obligations require us to stay out.

We have not even observed the declaration by Under Secretary Smith that we would refrain from the threat or the use of force to disturb the Geneva agreement.

That declaration at least set forth the theoretical duties we would undertake with respect to Vietnam.

U.S. RESPONSIBILITIES UNDER UNITED NATIONS CHARTER

Our declaration of July 21, 1954, said the United States would refrain from the use of force to disturb the Geneva Agreement "in accordance with article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in the international relations from the threat or use of force."

I call attention to the fact that we took note then of our obligation under the U.N. Charter not to use force in the conduct of our international relations.

Yet we did use force to disturb the Geneva Agreement. We armed South Vietnam. Today we have even brought in American forces. We are talking about using South Vietnam as a base from which the United States may attack North Vietnam.

How, Mr. Secretary of Defense and Mr. Secretary of State, does all that square with our obligation not to use force in international relations, except in our own self-defense?

You say North Vietnam violated the agreements, too, maybe even first? Then why did we not complain to the members of the Geneva Conference and ask them to act? Or why did we not bring up the matter in the United Nations, as is implied from the Smith statement recognizing our U.N. obligations and saying that we would view any renewal of aggression as seriously threatening international peace and security?

We all know that anything that threatens international peace and security is a matter for the United Nations. It is not a matter for the U.S. Air Force, or the American Secretary of Defense, to handle as they see fit on a U.S. unilateral basis.

If the conflict in Vietnam is viewed as an aggression by North Vietnam, then we have no choice but to take the matter to the U.N. Every minute that we pursue the war in Vietnam, we are doing it in violation on the U.N. Charter.

What are the specific sections of the charter that are controlling? Article II states, in its paragraphs 3 and 4:

3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Our participation in the war in South Vietnam violates paragraphs, 3 and 4, and our open threat to make war on North Vietnam violates paragraph 4.

Mr. President, Nixon would take us to war. Nixon wanted to take us to war when he gave his speech to the editors in New York in 1954. Ten years later he is at the same gate trying to enter into an area of war.

To the everlasting credit of President Johnson, he has not yet proposed that we go into North Vietnam. As my colleagues in the Senate know, the senior Senator from Oregon stands shoulder to

shoulder with President Johnson on the overwhelming majority of issues—well over 90 percent of the issues. I am sad that I must completely disagree with him on his South Vietnam policy. I believe he is following some very bad advice.

I find myself in some disagreement with him on certain phases of foreign aid. Yet, as a member of his party, I owe it to him to express my disagreement when I think he is wrong, because that is the best way to serve one's President. One does not serve the President well by being a yes-man or a rubberstamp.

I would much prefer to be with my President on this issue, but I cannot be with him on this program and fulfill what I consider to be my trust as a Senator from my State.

It is not only paragraphs 3 and 4 of article II of the charter that we are violating. I invite Senators to look with me at article 33, which reads:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

We have said ourselves that the war in Vietnam is a threat to peace. That is our rationalization for being in South Vietnam.

We say that is why the United States is in South Vietnam, but we are not establishing peace. The presence of the United States in South Vietnam is only expanding the war. Yet the charter says that "first of all" we must seek a peaceful solution.

Now let us look at article 34 for a moment. Article 34 provides:

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

And article 35 states, in paragraph 1:

Any member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34, to the attention of the Security Council or of the General Assembly.

Under articles 2 and 33, we are obliged to seek a peaceful solution of the South Vietnamese issue. We could ask for the Geneva Conference of 1954 to reconvene, or we could even seek to have the Southeast Treaty Organization try to settle it. The SEATO statement out of Manila on April 15 recognized that the security of South Vietnam, and all of southeast Asia is threatened by what it called Communist aggression. Why, then, did not SEATO members undertake to deal with it? Why did they not notify the U.N. of the threat? That is their duty under both SEATO and the U.N. Charter.

I will give Senators my opinion as to why they did not. The United States did not want them to. That would not be pleasing to the United States. This is

8734

a "hot one" for the United States to handle. Review again with me who "they" are.

New Zealand and Australia—If South Vietnam is vital to the interests of any area, it is vital to the area of New Zealand and Australia. But we do not find New Zealanders and Australians dying in Vietnam.

Pakistan, Thailand, and the Philippines—one would think that if South Vietnam were vital to any area, it would be vital to Pakistan, Thailand, and the Philippines. Yet we do not find men from those countries dying in South Vietnam.

Great Britain and France—France has made it very clear that she will not send her boys into South Vietnam to die. She has had enough. She tried it. She lost the flower of her manhood.

My account of the position of Great Britain preceding the Geneva Accords, when Dulles was trying to sell Great Britain with the idea that she should participate in a war in Indochina, is ample proof why we do not find Great Britain willing to go into South Vietnam.

But that does not excuse Australia, New Zealand, Pakistan, Thailand, the Philippines, Great Britain, and France, nor does it excuse the United States, from taking the issue to the United Nations. That is why I charge—serious though I know the charge is—that my country stands in violation of its obligations under the United Nations Charter.

Why is not such a threat the subject of peaceful means of settlement? Why are all these countries ducking, hedging, and evading their obligations under the United Nations Charter, along with the United States—although we are the worst actor, for we are actually in South Vietnam with troops on the basis of a unilateral military intervention?

We read in the newspapers this morning the most recent alibi of the State Department and the Defense Department. They cited figures to show that Britain has eight advisers in South Vietnam and that Australia has 30 men there, advising. But they are a long way from the combat zones.

Mr. Secretary of State and Mr. Secretary of Defense, the American people will not accept that kind of evasive answer to the question: Why are not the SEATO nations in South Vietnam, in keeping with their commitment?

We have not heard recently, but we shall hear it again, Secretary Rusk's standard alibi for our being in South Vietnam and other countries not being there: "The United States was invited in."

Mr. President, we were not invited in. Who invited the United States in? Our own puppet, the puppet we set up in the first place—Diem; and now, Khanh. I was aghast when the Secretary of State pulled that one out of the hat, for that is the same kind of unjustifiable alibi that Russia gives for being in East Germany, where she maintains a puppet government; namely, that she is in East Germany because her puppet asked her to come in.

The Secretary cannot "sell" that, because it is an insult to the intelligence of the American people. His duty is clear; his duty is to take the issue to the United Nations. Even by invitation, we have no legal right to take part in a civil war. If there has been an armed aggression against South Vietnam, then it is clearly and simply an issue for the United Nations.

So I say these SEATO members have an obligation to make it a subject of peaceful settlement at the regional level of SEATO and at the Geneva Conference level. These two levels are available, as is also the United Nations level.

I refer also to article 37 of the United Nations Charter:

Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article they shall refer it to the Security Council.

"They shall," are the words used. As every lawyer in the Senate knows, those are mandatory words; they create an obligation and a duty. But we have not carried out that obligation and that duty. Let no one try to give me the excuse that we are not the only ones, for all of us know, as parents, that we had to deal many, many times with that sort of excuse, in the process of raising our children. Just because John or Mary has or has not done something, so we have said to our children, is no excuse for them.

Our signature is on the charter; we signed it; and we undertook the obligation and the duty carried by the words "they shall." But we have not carried them out. So I ask the Secretary, "When are we going to recognize those obligations?"

There have been those who have tried to confuse this issue and to mislead the American people into going along with the present unilateral action by the United States in South Vietnam, on the basis of the claim of self-defense. Of course, such a claim always strikes a sympathetic note with people—"He did it in self-defense"—even though lawyers know that self-defense is not necessarily a valid excuse for killing someone. In South Vietnam, we are not even acting in self-defense.

Mr. President, in my judgment, the self-defense argument is completely incompetent, irrelevant and immaterial, as we lawyers say, in the face of the obligations of the United States to take the South Vietnam problem to the United Nations. When are we going to recognize them?

U.N. AND SELF-DEFENSE

The article of the U.N. Charter relating to self-defense also requires examination. It is article 51. Article 51 states:

Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems

necessary in order to maintain or restore international peace and security.

I wish to repeat the reading of part of the article, for it knocks into a cocked hat the alibi excuse about "self-defense." The article states:

Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Mr. President, in that connection I stress the point that the words used are "shall be."

What is the burden of my argument on this point? The burden of my argument is that the United States has not taken the issue to the Security Council, if it wishes to make the claim that it has some right of self-defense in South Vietnam—although such a claim is, of course, a ridiculous one. But even if one wishes to make for a moment, for the purpose of debate, that absurd contention, I point out that the United Nations Charter states very clearly what our duty is; it states that we shall take the issue to the Security Council. However, we never have done so.

That neither of the two Vietnams separately, nor the country as a whole, is a United Nations member is not the real issue; the basic issue is the role of the United States in helping South Vietnam defend itself against rebel warfare, abetted from North Vietnam.

There is no self-defense for the United States here. Neither is there any treaty that calls upon us to defend South Vietnam.

Yet even if there were, we are obliged to undertake that action only until the United Nations has taken over the problem; and we must report to it any action taken in "collective self-defense."

Thus, Mr. President, I say that we stand in violation of this article, too, along with all the others.

Heretofore, I have been referring to the war as involving an aggression by North Vietnam. We have no legal basis of law or treaty for participating in it.

Neither do we have a legal basis for participating in it if it is viewed as a civil war. International law recognizes the right of revolution; hence, it does not recognize any right of outsiders to intervene in the fighting. But we have directly intervened in the fighting in South Vietnam. That also is a violation of article II of the charter.

I ask unanimous consent that excerpts from the article by Quincy Wright on this subject, which appeared in the American Journal of International Law in 1960, be printed at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Of course, Mr. President, Quincy Wright is one of the great scholars of international law. He is widely recognized as such, and he is rec-

ognized by international lawyers as among their great teachers. I have leaned heavily on him in connection with my work in the field of international law and in the preparation of this speech, as I have also leaned heavily upon the writings of another great expert in this field, Ben Cohen.

I am at a loss to understand why the State Department has been following a course of action so completely inconsistent with the great teachings of these recognized authorities on international law.

The United Nations Charter does not call for U.N. jurisdiction over domestic affairs of a nation. But article 34 makes it very clear that the Security Council does have the authority to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

So even if the Vietnam war is viewed as basically a civil war—which I think it is—the United Nations may determine whether it is a threat to peace, and if it finds it is, it may deal with it. When third parties enter the conflict—as the United States has, on one side, and possibly China and Russia, on the other side—it is a dispute that falls under several articles of the United Nations Charter, and requires us—and makes it mandatory that we do so—to take the issue to the United Nations, although we never have taken it there.

There is no getting away from the many provisions of the United Nations Charter that require the Vietnam issue to be handled by the United Nations, whether it is considered a foreign aggression or a civil war.

Are we prepared to say, in so many words, what our policy is already saying: The United States has no more interest than Russia has in working through the United Nations when we think our interests are at stake?

Are we interested in working through the United Nations only when the interests of other countries are at stake? We cannot possibly defend that premise. Yet we are following a course of action which subjects us to that criticism so far as our unilateral action in South Vietnam is concerned, in open defiance of our obligations under the United Nations Charter.

That is what Secretary McNamara's defense policy statements amount to so far as Vietnam is concerned. He is trying to foreclose diplomatic handling of the issue. He is trying to keep it a military issue, a military war, with a military solution.

That is why so many Senators take umbrage when I refer to it as McNamara's war. But it is his blueprint, his basic policy, that the administration has accepted.

I hope the next time he goes to Vietnam he goes by way of Paris and talks to some of the French leaders, military and civil, who found out after 8 years that there was no such thing as a military victory for a Western power on the Asia mainland.

OUTLOOK IS STEADILY DETERIORATING

Everything I have said about the illegality of our war in South Vietnam will be even more true if we expand the war by attacking Laos and North Vietnam.

How policymakers who are bound to refrain from force in international affairs, except in self-defense, can keep repeating that such a thing is under study is beyond me.

Whenever we are briefed, neither the Secretary of State nor the Secretary of Defense has been willing to eliminate completely the possibility of an expansion of this war. And until they are willing to commit themselves against an expansion of the war, they deserve the criticism I make now—namely, that they are endangering the security of this country and the peace of the world. An expansion of the war into North Vietnam might very well bring in the Red Chinese and Russia. And I need not say that if that happens the holocaust is on.

It is highly dangerous for the United States still to be keeping a possible door ajar through which we can go into North Vietnam for an expansion of the war. It is the old threat that Dulles made so often in 1954.

We should be no party to it. We should assure the world that we have no intention of doing so. We should call upon the members of the United Nations to come in and help us to maintain peace in South Vietnam and to separate the two warring factions by means of United Nations operations.

The talk about the possibility of expanding the war into North Vietnam is a desperation move. It is the frantic act of throwing in a whole bankroll to draw one more card, when the pot has been lost by the cards already dealt.

Look at the history of that war.

For 8 years the French carried the burden, financed at the end largely by the United States. From 1946 to 1954, we put \$2 billion into the French war effort.

In 1954, we were spending \$800 million on it, and carrying 78 percent of the cost. Over a million casualties, military and civilian, had been suffered by all the parties in the conflict.

In 1955, when we had moved into South Vietnam in place of the French, it cost us \$300 million a year to support the Diem government.

In 1961, conditions were so much worse that the annual rate of aid went up to \$400 million, and our military help in the person of "advisers" was an unknown added cost out of our regular defense budget.

In 1964, the annual rate of aid is up to \$550 million. McNamara went over there and promised them we would stay forever. "Forever," he said. He promised them also that we would pick up the check for the cost of the imposition of a draft in the amount of another \$50 million. It is a bottomless pit, I say to the American taxpayers. It is a sinkhole for our money. We ought to stop it. The cost of the American Air Force and military advisers is probably much more than that.

Yesterday, President Johnson said our aid would be increased still more. It is

difficult for me to understand to what possible use more aid could be put to in South Vietnam. Press reports indicate that South Vietnam has long since been saturated with American aid.

The ground troops and our untested air power together have not been able to destroy Vietcong bases in South Vietnam. Who can believe that air attacks alone are going to destroy them in Laos or North Vietnam?

Those air attacks would be nothing at all but the first installment on an American land war in Asia. Mr. Nixon was "talking it up" in 1954. It is no surprise that he is still talking it up now.

Remember that the prognosis offered by Secretary McNamara for the war in South Vietnam is "forever." Who is willing to guess how long it will take Americans to wipe out supply lines in North Vietnam, especially if China gets nervous about our presence and enters the fighting as she did in Korea, and Russia finds a basis for joining her and comes in, too? It is my position, Mr. President, that wisdom and duty both call for a peaceful settlement.

In all the pronouncements and publications of the State and Defense Departments on Vietnam, we proclaim that North Vietnam is committing aggressions that threaten the peace.

But we have not intervened to bring peace, to provide a peaceful settlement. Our intervention has not even brought freedom. It has brought a military dictatorship. To South Vietnam, American intervention has brought more fighting, more war, more death, more destruction, more terror, and less freedom. We have not taken people out of the fighting; we have only brought more people into it. McNamara now wants us to finance the draft in South Vietnam, to get men into the fighting. And the American taxpayer will pay for it.

The territory under full control of the Khanh junta is declining. Casualties inflicted on Government forces are higher than ever, despite the complete control of the air by the United States. Although Vietcong casualties are also said to be high, the estimate of 20,000 "hard core guerrillas" is the same as it was 2 years ago.

It is hardly any wonder that desperation measures to save our puppet government are being considered.

Aside from the illegality of our intervention, there is the even more serious question of what its objective is and how much it is going to cost.

What does "victory" mean in South Vietnam? Does it mean until rebels stop fighting the Government? If so, I predict that rebellion will never stop until the Americans leave. The United States is the best source of weapons they have. They are constantly capturing them from the retreating South Vietnamese. It is interesting also that at one time we decided we would arm some of the villages, particularly in the delta areas.

We tried to build up a sort of village minuteman or militiaman or civil patrol, and we supplied them with much equipment, only to learn that, strangely enough, much of the equipment seemed

to get into the hands of the Vietcong. That has been an oriental practice for a long time. Do Senators remember when Chiang Kai-shek was still on the mainland of China? We were pouring military aid to him at that time. Our intelligence reports at that time showed that much of the aid seemed to get into the hands of the Communists, without even being uncrated—and we know strange negotiations seemed to be carried on between the Communist rebels and the Chiang Kai-shek forces. Much of the military equipment got into the hands of the so-called Communist warlords and was used against the Nationalist forces. Finally, those forces were driven off the mainland of China.

Earlier in the Vietnamese war, when it was discovered that a good deal of American equipment which had been made available to the people of the villages, allegedly for their self-defense, was getting into the hands of the Vietcong, we learned, in one of our briefings, that the United States decided to go out, collect, and bring back and keep under its control as much of that equipment as possible. But there is a great deal of equipment there yet.

Moreover, the Vietcong seem to have been making steady progress since 1954. We have steadily raised the ante, both financially and militarily, but we are still losing. Yet the only proposals for change have been to escalate the war so as to involve other countries. If we escalate it into North Vietnam, we can look forward to an American war there that will bring in China in one way or another.

The illogic of our policy is that if we show any sign of success, the Chinese will step up their participation. Conversely, as the guerrillas show signs of success, we have stepped up our participation. This escalation on both sides can only lead to a disaster for the United States. It can only lead from being bogged down in South Vietnam to being bogged down in North Vietnam and then to being bogged down in China.

That is why the interest of the United States require a negotiated settlement or an international peace force, just as French interests finally required it.

I am greatly concerned about what military officials tell me would happen if we let the situation develop so that it became necessary, or we thought it became necessary, to put masses of American ground forces in Asia.

I am waiting to listen to the first high, responsible American official who will testify, under examination, that he thinks the prognosis is good for a ground victory by an American Army in China. All the briefings on that subject matter that I have received thus far in my many years in the Senate show that that is not the place to pick as a battleground with communism. I cannot think of anything that would be more awful than to continue the present course in South Vietnam until we get into a position where it will be said that we have no choice, that we cannot retreat, that we must not give the impression that we are backing out, but must go in deeper. The French did that. Military advisers

tell me that the white man's army cannot win on the mainland of China.

That is why we all know, or should know that if we get into a war with China and with Russia, it will be a nuclear war. One of the most shocking experiences I had was at a briefing not long ago when there was talk to the effect that if we followed the objective of expanding the war in Vietnam we would have to use nuclear weapons.

I am convinced that with the first nuclear bomb—I care not what its size—dropped on North Vietnam or anywhere else in Asia, the holocaust will be on.

If anyone thinks the United States can start dropping nuclear bombs and not be held to an accounting by the nuclear powers that are against us, he has lost his mind. If we resort to the use of nuclear power in Asia, nuclear bombs will start dropping on both sides.

I do not have to tell Senators what they all know. The advisers tell them that both the Communist world and the free world have the power to destroy each other in the relatively short time of not too many days.

That is why the senior Senator from Oregon dares to talk on the floor of the Senate about morality. That is why the senior Senator from Oregon dares to suggest to his Government that, unless American foreign policy is built upon foundations of moral principles, it cannot be justified. A nuclear war, large or small, cannot be justified on moral grounds. And it will not be possible to keep it small. Such a war is immoral.

That is why I say, take it to the United Nations. Insist that the other signatories to the charter assume their obligations to enforce the peace. It is in our historic interest to do so.

Perhaps someday it will be a subject of historical study that will reveal the causes for an American obsession with Asia. It is an obsession that has not gripped our policy in any other part of the world so completely. It is an obsession about an area of the world that is completely beyond the perimeter of American defense, for South Vietnam is not within the perimeter of American defense. If we got into a war with Russia tomorrow, we would not keep one single American boy there. Why are American boys over there now?

I believe we should get out now, except for participating in the maintenance of a peacekeeping United Nations force and trying to bring the killing to an end.

Even in Cuba, during the missile crisis, we moved to internationalize our defensive action through the Organization of American States, and we immediately called the Security Council of the U.N. together to notify it of our proposed action in Cuba. What is more vital to the interests of this country than Cuba, just 90 miles away? Why is it that South Vietnam, 7,000 miles away, is consistently handled as a unilateral issue, when we recognize that Cuba, only 90 miles away, must be handled as an international issue?

Of course, it is said behind closed doors that there is no effective regional organization in Asia. That is the tribute our officials pay to SEATO in private.

But there is the Geneva Conference. And there is the United Nations.

Surely the Mediterranean is important to this country. When trouble broke out in Cyprus, we tried first to handle that issue through a regional organization—NATO. When that highly inappropriate mechanism did not work, we agreed to go to the United Nations.

So did we in the case of Suez. So did we in the case of the Congo.

Why did we in those cases and not in the case of Vietnam? I believe it is because of our heavy emotional commitment, which is turned to our heavy financial and military commitment.

The stranglehold these commitments have on our policymakers is evident. Whenever President Johnson speaks of South Vietnam, he mentions the commitment of President Eisenhower in 1954.

Yet, President Johnson inherited many things from the Eisenhower and Kennedy administrations that he has sought to change. He inherited a 5-year-old railroad struggle. But he did not perpetuate it. He settled it. He inherited a chronic state of poverty and unemployment. But he is not perpetuating it; he is trying to change it.

He inherited a cold war confrontation with the Soviet Union. But he has not stood fast to keep it going; he has tried to alter it.

The Vietnam policy he inherited from the Dulles-Eisenhower administration is the most dangerous and illegal policy of all. Why should it be perpetuated? President Johnson may cry "peace, peace" but he will not bring peace until he changes what we are doing in Vietnam.

All this 10-year-old Vietnam policy has brought the American people is war by executive agreement. There is no treaty; there is not even a United Nations action under the treaty of the U.N. Charter, as there was in Korea. The only legal basis for a war in Vietnam would be the U.S. Constitution. But there has been no declaration of war under that, either.

No Member of Congress has proposed a declaration of war. The administration has not proposed a declaration of war. But we are making war.

Oh, of course, the political pitch is made that this is a confrontation with communism and as Americans we must all fall in line with whatever our military advisers say must be done about it. That is why Senators praise McNamara's patriotism. That way they hope to avoid having to go into the illegality of his policy.

I praise his patriotism, too. I praise his brilliance. But, in accordance with his policy on South Vietnam, I believe he has suffered a lapse of judgment.

In cloakrooms and behind closed doors, it is said that it is all right to go to the U.N. where the issue is not a direct one between the United States and a Communist power; the U.N. is all right for the Arabs and Cypriots and Congolese and to head off great power involvements; but in Vietnam the United States itself is directly and heavily involved and our prestige and our interests must

not be jeopardized by the uncertainties of the U.N. which we cannot control.

I ask, What are the uncertainties of the U.N. compared to the uncertainties of continuing and escalating this war in South Vietnam? We do not control Vietnam, either; we do not control the rebels, we do not control the North Vietnamese, we do not control China. The United Nations, which we do not control, could not do any worse in this situation than we have done.

Neither Vietnam as a whole, nor its two parts, has membership in the United Nations. But that does not affect the capacity of the organization to deal with them.

I point to paragraph 6 of article III of the charter:

The Organization shall insure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

Most recently, President Johnson has said he hopes to see "some other flags there," referring to SEATO members. The only legitimate right they have in Vietnam is in trying to settle the dispute by pacific means.

Otherwise, the only flag, other than the Vietnam flag, that has any right there is the United Nations flag. If it chooses, the U.N. can direct SEATO to handle military operations there on behalf of the U.N.

I ask President Johnson why the United Nations flag has not been invited into Vietnam.

I believe that should be a basic part of our foreign policy. I believe that when the peace is threatened anywhere in the world the United States should take the position that we will raise the issue before the Security Council and, if necessary, before the General Assembly, to have the United Nations carry out the clear obligations that the Charter makes mandatory upon the signatories thereto.

It is not the fighting flags of other nations that we need or should want in South Vietnam. I say to my President that what is needed is to send United Nations flag in, and have the signatories to the United Nations Charter jointly give support to the United Nations in establishing and maintaining a force in South Vietnam, aimed at maintaining the peace.

It would be difficult. It would have its ups and downs. But it is an entirely different psychological approach to the problem of South Vietnam. It is the difference between trying to establish peace and expanding war. It is the difference between an approach to peace and an approach to war.

In the absence of a U.N. action, in the absence of a joint SEATO action, and in the absence of a congressional declaration of war, men and planes fighting under the American flag have no business in South Vietnam. The longer they fight, and the more of them we send, the harder we will find it to end the conflict.

President Johnson and the American people have a challenge before them, not to make a bigger war in Asia, but to bring

the United Nations into Asia. If he will turn his talents to that end, he will be acting in accord with the legal and foreign policy principles which the United States has long professed. He will be acting in accord with the United Nations Charter. And I believe he will be acting in the best interests of the safety of the United States.

Mr. President, I recognize full well that others as sincere and as patriotic and as dedicated to our country as I am, will thoroughly disagree with my views.

That does not relieve me of my responsibilities, as I see those responsibilities, to raise questions of international law in respect of American policy in South Vietnam.

I do not expect agreement from the very able and distinguished Secretary of Defense, although he will find me on the same side with him on many issues. However, I am irreconcilably opposed to his position in South Vietnam.

In fairness to him I believe I should say, as I close my speech, that I have just been handed a news ticker reference to him, which reads as follows:

WASHINGTON.—Secretary of Defense Robert S. McNamara, replying to news conference questions, said today he was "pleased to be associated" with the operation of the war in Vietnam.

"I don't object to it being called McNamara's war," he said, referring to a description used by Senator WAYNE MORSE, Democrat, of Oregon.

The Pentagon chief added that "I have high regard for Senator MORSE, but not in this respect"—the Senator's continuing criticism of the role of the United States in Vietnam.

Mr. President, I understand the Secretary's view. We continue to agree to disagree. As long as this war, which I consider to be an unjustifiable war, a war which involves a violation by the United States of its Charter of the United Nations, a war which in my opinion is an unjustifiable killing of American boys in South Vietnam, is continued I expect to be against it in the Senate and in the country.

I close by saying I do not believe Congress can escape its obligation to take official jurisdiction over the subject matter. Congress ought to decide whether or not by official action—and the proper official action would be a declaration of war in South Vietnam, against which I would vote—it wants to support McNamara's war by officially declaring it to be that, as it only has the authority to do under the Constitution of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated March 14, 1964, addressed to me, and signed by David Stall and Alice H. Stall, in commendation of my stand relative to South Vietnam.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YOUR TOWN PRESS, INC.,
Salem, Oreg., March 14, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR WAYNE: We are moved to commend your wisdom and courage for the stand

taken on South Vietnam. Surely, the U.S. policy formulations should be guided by someone other than Secretary of Defense and the CIA. Our involvement in that area has been too much by executive fiat without adequate reference to legislature and the people. As far as the moral basis for it all goes, this certainly dwindles as the truth of Diem regime became revealed and is hardly strengthened by the succession of one military strong man for another.

Education and retraining for industrial skills; medical needs; civil rights; our rate of economic growth—these are all problems of relevant and pressing concern. We know that you are conscious of this and take this opportunity of strengthening your commendable resolve.

Cordially yours,

DAVID STALL.
ALICE H. STALL.

SIXTH INTERIM REPORT OF THE INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM, DECEMBER 11, 1955, TO JULY 31, 1956

(Presented by the Secretary of State for Foreign Affairs to Parliament by command of Her Majesty, January 1957)

FOREWORD

The first five interim reports of the International Commission for Supervision and Control in Vietnam, covering the period from August 11, 1954, to December 10, 1955, were published as "Vietnam No. 1 (1955)," Cmd. 9461 (containing the first two reports); "Vietnam No. 2 (1955)," Cmd. 9499; "Vietnam No. 3 (1955)," Cmd. 9654; and "Vietnam No. 1 (1956)," Cmd. 9706. The present white paper contains the text of the Sixth Interim Report. This was received at the Foreign Office on October 2, 1956, and, in accordance with the procedure described in the Foreword to Command Paper 9461 of 1955 is now published after the distribution of copies to all members of the Geneva Conference of 1954.

2. After the publication of the Fifth Report, representatives of the two chairmen of the Geneva Conference met in London to discuss the difficulties being experienced by the International Supervisory Commission as outlined in chapter VII of the report herein. As a result of this discussion the chairmen sent messages on May 8, 1956, to the Government of France, jointly to the Governments of the Republic of Vietnam and of the People's Republic of Vietnam, and to the International Supervisory Commission. These messages were published in the white paper "Vietnam No. 2 (1956)," Cmd. 9763.

FOREIGN OFFICE, January 1957.

SIXTH INTERIM REPORT OF THE INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM, DECEMBER 11, 1956, TO JULY 31, 1956

Table of contents

	Page
Introduction.....	4
Chapter I—Establishment and machinery of the International Commission in Vietnam.....	5
Chapter II—Provisional military demarcation line and demilitarized zone.....	5
Chapter III—Democratic freedoms—articles 14(c) and 14(d).....	10
Chapter IV—Prisoners of war and civilian internees.....	14
Chapter V—Ban on the introduction of fresh troops, military personnel, arms and munitions—military bases in Vietnam.....	19
Chapter VI—Cooperation of the parties to the agreement.....	26
Chapter VII—Conclusions.....	30

INTRODUCTION

The International Commission for Supervision and Control in Vietnam has so far submitted five interim reports covering its ac-

April 24

8738

tivities from August 11, 1954, to December 10, 1955.

2. This is the sixth interim report of the Commission containing a summary of its activities from December 11, 1955, to July 31, 1956, and a review of the progress made by the two parties in the implementation of the agreement on the cessation of hostilities in Vietnam.¹ This report should be read along with the relevant chapters of the five earlier interim reports.

CHAPTER I—ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM

During the period under review, the International Commission continued to carry out the task assigned to it under articles 29, 34, and 36 of the agreement; namely, the supervision and control of the proper execution by the parties of the provisions of the agreement. The Commission held 58 meetings during the period under review for the transaction of its day-to-day business. The committees of the Commission; namely, the Operations Committee, the Freedoms Committee and the Legal Committee, continued their activities. Twenty-one mobile teams were sent out for investigation, reconnaissance, and control thus making a total of 153 since the Commission started its activities. The difficulties experienced by the Commission's fixed and mobile teams are described in subsequent chapters of this report.

2. As in the past, the Commission has continued to pay official visits to Saigon. The question of transferring the Commission's headquarters from Hanoi to Saigon still remains unsettled. The matter has been raised with the French authorities in the south as well as with the Government of the Republic of Vietnam but so far no satisfactory solution has been found. The Commission will continue to pursue this matter.

3. In accordance with the provisions of article 45, a coordination conference of the secretaries-general of the three Commissions of Vietnam, Laos, and Cambodia was held at Siem Reap in Cambodia on January 10 and 11, 1956. Questions of an administrative nature including the accounting procedure of the Commissions were discussed and satisfactorily settled.

CHAPTER II—PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE

4. In the month of September 1955 the commission had made certain suggestions to the two high commands for the improvement of the administrative arrangements on the demarcation line and in the demilitarized zones. Mention was made of this in paragraphs 3 and 4 of the Fifth Interim Report. The initial reactions of the two high commands to the commission's suggestions were also recorded in that report. The detailed comments of the two high commands on the commission's suggestions were examined by the operations committee. The recommendations of the operations committee were carefully considered by the commission. It was seen that the response of the parties fell into three categories:

Category I: Items which both parties had not accepted.

There was one such item; namely, the question of fixed market places. The Commission agreed to drop this suggestion.

Category II: Items which had been accepted by both parties.

These included: (1) The checking of movements of personnel by the check posts on the demarcation line; (2) the setting up of mobile patrols on either side to stop people crossing at unauthorized places in between the check posts; and (3) the provision of

telephone communication between Mobile Team 76 and the P.A.V.N. Headquarters at HOKA. As both parties had accepted these suggestions, they were finalized by the commission.

Category III: Items which had been accepted by one party and not accepted or partially accepted by the other party.

After considering the comments offered by the two high commands on this category, the commission decided to convert the suggestions in this category into recommendations and the two high commands were directed to implement them. The recommendations under this category were:

"(1) That permits should preferably bear the photographs of the persons in whose favor they were issued to facilitate checking. In view of the practical difficulties, however, the parties were called upon to consider ways and means of providing photographs on permits. The commission further added that permit holders should not be prevented from crossing the demarcation line on the ground that the permits did not have photographs;

"(2) That the people in the demilitarized zones should have the right of assembly and the right to hold public meetings organized for political purposes. However, as political sympathies were bound to be mixed and meetings were likely to create public excitement, public meetings organized for political purposes should be regulated without in any way restricting the right of assembly or association. Before a political meeting was held, adequate notice should be given by the organizers to the local authorities indicating the time and place where the meeting would be held. Intimation of such meetings should be given by the local authorities to Mobile Team 76;

"(3) That the parties be allowed to increase the police strength in the zone under their control for the proper maintenance of law and order and that the first increase should not be more than 50 percent of the present authorized strength. Any additional increase would require the approval of the central joint commission and in case of disagreement that of the international commission; and

"(4) That Mobile Team 76 be advised by telephone in advance whenever the joint commission was considering any serious incident or threat of such an incident, so that the team could observe at the meeting and if the joint commission machinery failed to take necessary action, could report immediately to the commission and take preliminary action to prevent or limit the incident in pursuance of the commission's responsibility under article 36(b) of the agreement.

5. These recommendations were conveyed to the two high commands on February 24, 1956. So far the Commission has not received any reply regarding the implementation of the recommendations from the French High Command. The P.A.V.N. High Command has replied to the Commission's recommendations in April 1956. Of the four recommendations made by the Commission, the P.A.V.N. High Command has not accepted (2) and (3) and has not commented on (4). With regard to the increase of police strength in the demilitarized zones (recommendation No. 3) the P.A.V.N. High Command did not consider any such increase above the number fixed in the statute of the demilitarized zones was necessary and expressed the view that any additional reinforcement should be approved by both parties in the Central Joint Commission. With regard to organization of political meetings (recommendation No. 2) the P.A.V.N. High Command did not consider it necessary that modalities should be laid down for the regulation of such meetings.

6. The movement across the demarcation line and the entry into the demilitarized zones of persons not directly concerned with

the administration of the zones are governed by articles 6, 7, 8, and 9 of the agreement and are closely regulated by a protocol signed by the two high commands in September 1954 (decisions Nos. 6 and 11). This protocol provides for the practical implementation of these articles including the establishment of a permit system. Different types of permits are prescribed for the crossing of the demarcation line and for the entry of persons into the demilitarized zones. These permits are, according to decision No. 11, to be issued by the joint subcommission in the demilitarized zone and have to be endorsed by the two parties represented therein.

7. However, the actual implementation of the provisions of decision No. 11 relating to the permit system has been far from satisfactory. The French High Command has since November 1955 unilaterally introduced certain innovations which have resulted in stopping the movement of permit-holders across the demarcation line into the southern demilitarized zone. They are required, at the points of crossing on the southern side of the demarcation line, to deposit the permits issued by the joint subcommission in the demilitarized zone and to take temporary ones to move within the southern demilitarized zone. They are required to recross at the same point in order to collect the original permit even though Hien Luong Bridge has been accepted by both the parties as a common point of crossing. The Commission has received numerous petitions from the demilitarized zone in which objections to the new procedure have been stated.

8. The Commission considered the situation and made certain suggestions in a letter dated February 24, 1956, to the French High Command. The high command was informed that the Commission did not see any reason for changing the present system under which the permits for crossing the demarcation line were issued by the joint subcommission. The Commission further suggested that the check posts should have complete nominal rolls of all permit-holders and the post at Hien Luong bridge should have master lists of all persons holding permits authorizing them to cross the demarcation line. The high command was also informed that it should not collect permits at the demarcation line, but that the Commission had no objection to the issue of additional authorization slips to the permit-holders. The P.A.V.N. High Command has complained to the Commission that hindrances to the freedom of movement of the permit-holders continue and that in many cases the French High Command has refused to renew the permits already issued and has been progressively reducing the number of permits. The Commission has again asked the French High Command in July 1956, to accept the suggestions made by the Commission in its letter of February 24, 1956. The high command was further informed that if no satisfactory reply was received within 3 weeks the Commission would consider whether it should not convert the suggestions into recommendations. According to the report received by the Commission from its team in the demilitarized zone, movement of the people entitled to cross the demarcation line into the demilitarized zone south has virtually come to a standstill during the last 8 months. The Commission is of the opinion that the freedom of movement guaranteed to the permit-holders under article 9 of the agreement is being denied to them, and that no action has been taken by the French High Command to remedy the situation.

9. The Commission has received from the P.A.V.N. High Command during the period under report 29 complaints relating to 236 alleged incidents in violation of article 7, including 116 alleged incidents in violation of article 14(c) in the southern demilitarized

¹References to "articles" in the report are to the articles of this agreement. See "Miscellaneous No. 20 (1954)," Cmd. 9239, page 27, et seq.

zone. Out of the number of incidents referred to above, 154 pertain to the period under report. In reply the French High Command has forwarded to the Commission a letter from the Government of the Republic of Vietnam which denies the allegations and states that a few of the incidents were caused by supporters of the North. The complaints are under inquiry. The Commission has not so far received any reply from the Government of the Republic of Vietnam with regard to 155 of the above alleged incidents.

10. In paragraph 41 of the Fifth Interim Report the commission had made reference to Mobile Team 87 which was to investigate certain alleged violations of articles 7 and 14(c) in the demilitarized zones. It had been reported that the commission had decided to send the team back to the field as the Government of the Republic of Vietnam had withdrawn its condition that liaison officers attached to this team should be in civilian clothes when the team operated in the southern demilitarized zone. However, soon after the Republic of Vietnam qualified this concurrence by stating that, should the presence of the P.A.V.N. liaison staff in uniform provoke any incident, the responsibility would be that of the international commission. The commission informed the French High Command that it could not accept any responsibility for any incident that might occur as it was the duty of the high command concerned to assure full security to the team under article 25. Since the commission was anxious to conduct the investigation as soon as possible, it proposed to the P.A.V.N. High Command that, as a special case, its liaison staff attached to Mobile Team 87 should wear civilian clothes. The P.A.V.N. High Command did not agree to this on the ground that the commission itself had decided on November 8, 1955, that liaison officers in the demilitarized zones could wear uniforms if so desired by the high command concerned. In the meanwhile, the Republic of Vietnam laid down a few more conditions in the form of suggestions. These suggestions were not accepted by the commission. At the beginning of March, the French Liaison Mission informed the commission that the Government of the Republic of Vietnam could agree to the resumption of investigation by Mobile Team 87 provided the P.A.V.N. liaison staff was sent in civilian clothes. In view of this, the commission requested the P.A.V.N. High Command to agree as a special case with respect to Mobile Team 87 to the wearing of civilian clothes by the P.A.V.N. liaison staff accompanying the team. The P.A.V.N. High Command again did not agree to the commission's request for the same reasons as given before. It further requested the commission to take up a firm stand toward the French High Command and demand that it withdraw the unacceptable condition of civilian clothes. On July 7, 1956, the commission converted its suggestion into a recommendation that in the demilitarized zones and on the demarcation line the representatives of the high commands sent for liaison duties may be in uniform if so required by their high command. In view of this recommendation it is hoped that the team will be able to resume investigations before long.

11. The P.A.V.N. High Command had lodged a complaint with the Commission that on February 25, 1956, the representatives of the French High Command in contravention of article 7 permitted 150 persons amongst whom were 5 military officers to enter the demilitarized zone and attend a flag salutation ceremony on the demarcation line. An investigation conducted by the commission revealed that, even though the representatives of the P.A.V.N. delegation had refused concurrence to the entry of these 150 persons into the demilitarized zone, the French High Command permitted their entry without authorization. The com-

mission, after investigation, has concluded that there has been a violation of article 7 of the agreement by the French High Command. The P.A.V.N. High Command lodged another complaint with the commission that on the 17th and 25th of January 1956, the French High Command in contravention of article 7 permitted the entry of a number of persons into the demilitarized zone. The French High Command forwarded a letter from the Government of the Republic of Vietnam which admitted that there had been an infraction of the status of the demilitarized zone and stated that this was due to lack of liaison between the French representative on the joint subcommission and the local authorities. The commission has sent a letter to the French High Command stating that the procedure for the entry into the demilitarized zone should be strictly followed.

12. The situation in the demilitarized zone has not shown any improvement since the Fifth Interim Report. If anything, the difficulties have increased. As mentioned in the foregoing paragraphs, hindrances to the free movement of the permit-holders, numerous complaints about alleged infraction of the status of the demilitarized zone and article 14(c), inadequate implementation of the commission's recommendations regarding the administrative arrangements in the demilitarized zone and the unsatisfactory functioning of the central joint commission and its subordinate agencies have largely contributed to this deterioration.

13. It has been the experience of the commission that the central joint commission, through the agencies under it, has discharged its duties very unsatisfactorily. It has become increasingly necessary for the commission to intervene and to take more active steps, even though under article 36 (b) its responsibilities are limited to supervision. It has also been found that the central joint commission did not meet for days together even though cases referred to it by the P.A.V.N. delegation were pending with it. It has not resolved the important questions described in the previous paragraph such as the question of freedom of movement of permit-holders and it has failed to undertake investigations through its joint groups into a large number of incidents, as the French High Command did not agree to participate. Furthermore, the disputes which have arisen in the joint subcommission in the demilitarized zone from time to time have not been settled. Since the dissolution of the French High Command there have been no meetings either of the joint subcommission in the demilitarized zone or of the central joint commission. The P.A.V.N. High Command has therefore sought the commission's intervention as its efforts to get the central joint commission to meet have yielded no results.

14. The cochairmen in their message dated May 8, 1956, to the French Government invited them to discuss with the authorities of South Vietnam the question of the resolution of the practical problems with a view to reaching an arrangement which will facilitate the work of the International Supervisory Commission and the Joint Commission in Vietnam. They also requested that until the arrangements envisaged above were put into effect the French Government should preserve the status quo. However, the status quo maintained by the Government of the Republic of France has not included the continued functioning of the central joint commission and its agencies, with the result that the day-to-day problems in the demilitarized zone have remained unsolved.

15. The international commission has, in a previous communication of May 2, 1956, to the cochairmen, emphasised the importance which it places on the work of the joint commission. The Canadian delegation, as

indicated in its separate note of May 3, 1956, to the cochairmen, while not fully agreeing with the emphasis placed in this communication on the importance of the work of the joint commission, was in agreement that as a matter of urgency steps should be taken to insure that the tasks of the joint commission continued to be performed. The commission is of the view that the joint commission is an essential part of the machinery for the implementation of the ceasefire agreement, and that its nonfunctioning adversely affects the execution of the agreement, particularly in respect of the administration of the demarcation line and the demilitarized zones. The commission is, therefore, of the view that the joint commission and its agencies should resume their normal working.

CHAPTER III—DEMOCRATIC FREEDOMS—ARTICLES

14(c) AND (d)

Article 14(c)

16. The supervision of the implementation by the parties of the provisions of article 14(c) continues to be one of the major problems of the Commission. Under this article, the parties have undertaken to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties. During the period under review, the commission received from the P.A.V.N. High Command 103 complaints alleging 281 incidents concerning violations of article 14(c) in South Vietnam. The Commission has also received through its petition boxes, through its fixed and mobile teams, and through the P.A.V.N. High Command a large number of petitions alleging reprisals in the south. These complaints and petitions contain allegations of a number of cases of arrest, detention, murder, massacre, and mass concentration of families of former resistance workers committed by the authorities of the south. During the period under review, the Commission received from the French High Command five complaints involving 18 incidents, including one alleged case of murder, alleging that the authorities of the north had committed reprisals against the former supporters of the French High Command concerning violation of article 14(c).

17. The Commission, as in the past, has forwarded the majority of these complaints and some of the petitions to the high command concerned for comments and reports of remedial action taken if the allegations were found to be true. The Commission is still seized with 143 complaints against the French High Command and 5 complaints against the P.A.V.N. High Command concerning alleged reprisals under article 14(c). During the period under review, the Commission decided to send out three mobile teams to make on the spot investigations into complaints of alleged violation of article 14(c) in the south, under the terms of article 37 of the agreement. The following are the complaints along with the dates on which the concurrence of the party was asked for:

Number of the team, date when concurrence asked for, and task of the team

103. March 15, 1956, to investigate alleged violation of article 14(c) in the Province of Quang Nam (Duy Xuyen).

104. March 15, 1956, to investigate the massacre of three families at Gia Rai (Bac Lieu Province).

105. March 15, 1956, to investigate the alleged concentration of former resistance workers and their families in Thua Thiem Province.

In addition to these three cases, the Commission had decided to send out three other mobile teams during the period covered by the Fifth Interim Report. The following are the complaints and the dates on which the concurrence of the party was asked for:

8740

Number of the team, date when concurrence asked for, and task of the team

85. August 27, 1955, to investigate alleged violation of article 14(c) in the Province of Chau Doc, South Vietnam.

87. September 8, 1955, to investigate alleged violation of article 14(c) in demilitarized zones (north and south).

93. October 4, 1955, to investigate alleged violation of article 14(c) in Huong Hoa, South Vietnam.

In addition to the above six cases where the commission has asked for the concurrence of the high command concerned, the Commission has also ordered a mobile team investigation into two complaints from the P.A.V.N. High Command alleging murder and arrest in the Province of Quang Nam but the decision to send out this team has not yet been taken. In one other case, the Commission has directed one of its fixed teams in the south to undertake inquiries into an alleged murder.

18. The decision to send these teams was taken at various times by the Commission and the concurrence of the French High Command has asked for under the provisions of article 35. During the period under review, the Commission was not able to carry out these investigations as it was awaiting concurrence from the French High Command. Concurrence for Mobile Teams 93, 103, and 105 has been received in the month of July 1956. Mobile Team 103 concluded its preliminary inquiry on July 28, 1956, at Hanoi in the presence of liaison officers of both the parties and had not yet commenced its investigation in South Vietnam during the period under review. The Commission hopes that it will not meet with further difficulties and the teams will be able to carry out the investigations soon. The position as regards Mobile Team 87 has been explained in paragraph 10.

19. During the period covered by the Fifth Interim Report, the Commission had decided to undertake a mobile team investigation on a complaint from the P.A.V.N. High Command of alleged violation of article 14(c) in South Vietnam. The team (Mobile Team 90), however, was not deployed in view of the reply received from the French High Command on the P.A.V.N. High Command's complaint that the persons concerned had been released. On December 12, 1955, the P.A.V.N. High Command complained that the persons involved in its first complaint had been rearrested and asked for the despatch of the mobile team. This fresh complaint was forwarded to the French High Command on December 2, 1955, for its comments and in April the commission drew the attention of the high command to its earlier decision to have a mobile team investigation. The Commission will take a final decision on receipt of a reply from the French High Command which is awaited.

20. The commission has taken a final decision, and made recommendations to the French High Command in one case which had been pending since April last year. In the month of April 1955, when Mobile Team 47 was conducting an inquiry in the Chi Hoa prison into alleged violations of article 21 by the French High Command, it came across 25 cases of prisoners arrested after the ceasefire who claimed that they were former resistance workers who had been detained for no reasons after ceasefire. The P.A.V.N. High Command subsequently sponsored 23 out of these 25 cases and alleged that they were violations of article 14(c) by the French High Command. The statements of these 23 prisoners were obtained by Mobile Team 47 and the Commission also obtained from the South Vietnam authorities dossiers in each case. These dossiers and the statements made by the prisoners were carefully examined by the Freedoms Committee and the Legal Committee of the Commission. After careful scrutiny of the committees' reports,

the Commission declared that there was a violation of article 14(c) in 15 cases and has recommended the immediate release of the affected persons. In the other eight cases, the Commission was of the view that no violation of article 14(c) had been established. Out of these eight cases, in one case, the Commission decided that no further action was necessary and in the remaining seven cases, the French High Command was requested to arrange with the authorities concerned to proceed immediately with their judicial processes and submit the dossiers to the Commission when completed, on receipt of which the Commission would review these seven cases to see whether the provisions of article 14(c) were violated or not. These findings and recommendations were communicated to the French High Command on June 7, 1956. The recommendations of the Commission have not yet been implemented. In another case, that of a former resistance member of Khanh Hoa Province named Tran Chau who had been arrested, the Commission decided that the case was covered by article 14(c) and recommended on June 26, 1956, to the French High Command that the person should be released forthwith. The Commission has not received any reply from the French High Command indicating that the recommendation has been implemented. The French High Command was also asked to show cause why a finding of violation of article 14(c) should not be given for the arrest and detention of a person who had taken part in the hostilities. The Commission has not received any reply to this show-cause notice although the prescribed time of 2 weeks has elapsed.

21. In February 1956, the International Commission received a communication from the Commander in Chief of the People's Army of Vietnam bringing to the Commission's notice the existence of an ordinance in South Vietnam—General Order No. 6 of January 11, 1956, issued by the President of the Republic of Vietnam—and complaining that this ordinance was in violation of article 14(c). The ordinance gave special powers to the Government to take extraordinary measures for detention or deportation for reasons of public security. The Commission examined the complaint of the P.A.V.N. High Command and on March 5, 1956, communicated to the French High Command its view that no law, regulation or order in either of the two zones could, in any way, supersede the obligations which the two parties have undertaken under the provisions of article 14(c) of the agreement on the cessation of hostilities in Vietnam. The French High Command was further informed that the Commission expected that any action taken under General Order No. 6 would be taken with due regard to the provisions of article 14(c) and if complaints were brought to the notice of the Commission regarding the application of this decree or any other law, regulation or order in either of the two zones, alleging the violation of article 14(c), the Commission would take steps to satisfy itself that there had been no reprisals or discrimination against persons on account of their activities during the hostilities and that their democratic liberties had not been infringed in violation of article 14(c). A copy of this communication was forwarded to the Commander in Chief of the People's Army of Vietnam pointing out that the Commission was always ready to deal with specific complaints regarding violations of the provisions of the ceasefire agreement. Subsequently the Commission has received a few specific complaints of action taken under General Order No. 6 which, in the opinion of the P.A.V.N. High Command, amount to violation of article 14(c). These cases are being pursued with the French High Command and in one case the Commission has ordered investigation by a mo-

bile team. Concurrence for this Mobile Team 105 has been received. It has come to the Commission's notice that former resistance workers are being held in detention under Ordinance No. 6 although the ordinance was promulgated sometime after the arrests took place. The Commission has asked the French High Command for a clarification of how retrospective effect is being given to the ordinance. A reply is awaited.

22. It was pointed out in the Fifth Interim Report that the inability of the Commission to send out mobile teams for investigating alleged violations of article 14(c) was causing serious concern to the Commission. During the period under review the Commission was unable to send out any investigating teams to South Vietnam. As has been pointed out in paragraph 16 complaints and allegations regarding violation of article 14(c) have been very numerous and in some cases of a very serious nature. The Commission is not in a position to state whether these complaints are true or not as it has not been permitted to certify them through the machinery laid down in the agreement. The question of the degree of cooperation extended by the party concerned to enable the International Commission to carry out investigations will be discussed in fuller detail in paragraph 69 of this report.

Article 14(d)

23. In paragraph 12 of the Fifth Interim Report, the Commission had informed the co-chairmen that it was pursuing the question of residual cases under article 14(d) with the two parties. On October 22, 1955, the Commission had made suggestions regarding follow-up action on the residual categories, outlined in paragraph 33 of the Fourth Interim Report. The Freedoms Committee was charged with the task of holding discussions with the representatives of the two high commands with a view to arriving at a satisfactory settlement of this problem. Between January 7 and March 12, 1956, the committee held five meetings with the representatives of the parties. During the course of discussions, both parties accepted in principle the suggestions made by the Commission in its letter of October 22, 1955. No agreement has been reached, however, regarding the implementation in practice of the suggestions. During the course of the discussions, the representative of the P.A.V.N. High Command proposed that the best solution of the problem of article 14(d) would be to have complete freedom of movement between the two zones. The representative of the French High Command was not in favor of this proposal as, in his view, it went beyond the scope of the ceasefire agreement. Both parties were, however, willing to continue discussion of residual cases. In view of the developments in the South and the withdrawal of the French High Command from South Vietnam, the discussions with the two parties have been for the present held up. Thus, the Commission has not so far been able to resolve the question of residual cases mentioned in paragraph 33 of the Fourth Interim Report.

24. The question of investigating the complaint made by the French High Command in April 1955, that the seminarists of Xa Doai were not being permitted to move south was referred to in paragraph 15 of the Fifth Interim Report. Mobile Team F-44 which was sent to the seminary at Xa Doai was not able to interview the seminarists concerned as the religious authorities on religious grounds did not allow the team to enter the seminary and hold investigations there. The team had to return with the task unaccomplished. The P.A.V.N. High Command informed the commission that the religious authorities were, however, agreeable to allow the seminarists to be interviewed outside the premises. The commission in March 1956 informed the P.A.V.N. High Command that in its view the seminary

would have been the most satisfactory place for conducting investigations but in view of the delay and the need to interrogate the seminarists immediately the investigations need not take place at the seminary grounds but the seminarists should be produced before the commission's team at Vinh. In reply the P.A.V.N. High Command informed the commission that the seminarists had stated that they did not wish to be interviewed by the commission and that those who wanted to go south had been authorized to do so before July 20, 1955. The commission did not accept these arguments and made a recommendation in June 1956 to the P.A.V.N. High Command that arrangements should be made to produce seminarists before the team at Vinh as soon as possible. In July 1956 the commission asked the P.A.V.N. High Command to inform the commission whether or not it was prepared to produce the seminarists at Vinh within 15 days. The high command in reply informed the commission that the seminarists would be returning from their holidays at the end of August and that the local authorities had been directed to make arrangements with the seminarists on their return. The investigation by Mobile Team F-44 has not yet taken place.

25. The P.A.V.N. High Command had in November 1955 alleged that a serious incident took place in Thu Dau Mot Province in South Vietnam where plantation workers approached the authorities for permits to go north. The P.A.V.N. High Command alleged that the authorities opened fire and killed one person and seriously wounded three. It also alleged that 40 persons were arrested and put in jail. The French High Command whose comments were invited admitted the occurrence of the incident but stated that there was no question of denial of facilities under article 14(d). It enclosed a letter from the South Vietnam authorities in which it was stated that the workers had demonstrated and that the police had fired in self-defense and to maintain order, and that the arrests were subsequently made for common law offenses and acts against the State. The commission has decided to send a mobile team to investigate on the spot. The concurrence of the French High Command is awaited.

CHAPTER IV—PRISONERS OF WAR AND CIVILIAN INTERNEES

26. As stated in paragraph 10 of the Fourth Interim Report and paragraph 20 of the Fifth Interim Report, the parties continued to make claims against each other in respect of prisoners of war and civilian internees, particularly in cases where the replies received by them from the other party in the joint commission were not considered satisfactory. During the period under report 330 such claims were received from the French High Command and 834 from the P.A.V.N. High Command.

27. In its efforts to get the parties to clear their claims and counterclaims concerning prisoners of war, the commission has been continually urging them to make further and more thorough investigations in individual cases and thereby help the other party in knowing the ultimate fate of the prisoners concerned. Under a procedure introduced in July 1955, the parties have also been exchanging regularly, through the medium of the commission, fortnightly reports of progress made on search requests of prisoners of war received from the other side in the joint commission.

28. In paragraphs 21 and 22 of the Fifth Interim Report, mention was made of the cases of 141 Vietnamese officers alleged to have been kept in detention in prisoner-of-war camps in North Vietnam after the cease-fire and it was stated that the commission, on the basis of investigation carried out by Mobile Team 80, had come to the conclusion that the allegation of detention in prisoner-of-war camps after the cease-fire had not

been proved, but as it felt that these 141 ex-prisoners of war, who worked in construction yards after their release, might not have been able to exercise their choice of zone of residence, it decided that their cases would be treated as residual cases remaining to be disposed of under article 14(d) of the agreement.

29. On receipt of further representations from the French High Command, concerning these persons, the matter was further examined by the commission and it was suggested to the P.A.V.N. High Command in March 1956, that 89 of them should be informed by individual letters that facilities would be granted to them and to their wives and children dependent on them to proceed south in exercise of their right to choose their zone of residence if they so desired. The P.A.V.N. High Command replied on June 12, 1956, that it did not accept the commission's findings that these persons had been under some restrictions. They further stated that these persons had been enjoying the same rights as any other citizen and had been working on their own free will in construction yards in North Vietnam. In view of this, the suggested procedure was not acceptable to the P.A.V.N. High Command. The P.A.V.N. High Command also wondered why the commission had been induced to put up the request contained in its letter of March 10, 1956. The matter was again considered by the commission in the third week of June and the P.A.V.N. High Command was again asked to adopt the procedure suggested by the commission in March and report compliance, failing which the commission would consider converting the suggested procedure into a recommendation. The P.A.V.N. High Command's reply has now been received and is being considered by the commission.

30. During the period under review, the P.A.V.N. High Command informed the commission that 57 German and Hungarian "rallies" were being repatriated through China. One of the commission's teams on the Vietnam-China border was instructed to ask the following questions to these persons: "Do you consider yourself a prisoner of war?" and "Are you being repatriated of your own free will?" The team was also instructed to obtain a list of all persons being repatriated. The team was satisfied from the replies to the two questions mentioned above that the persons concerned did not claim to be prisoners of war and that they were being repatriated of their free will. But the team was unable to obtain the names of these persons. The commission asked the P.A.V.N. High Command to supply a list of their names, but the P.A.V.N. High Command refused to do so on the ground that their cases did not come under the Geneva Agreement and at the time of their repatriation, as had been stated by the team, these persons had informed the team that they did not want their names to be revealed.

31. The commission has before it the cases of 26 deserters, who made applications either to the French High Command or to the commission for transfer to the French Union forces for repatriation to their country of origin. Some of these cases have been pending for a long time. The P.A.V.N. High Command has stated that these persons have changed their mind and are no longer desirous of being handed over to the French Union forces. The commission has, therefore, suggested to the P.A.V.N. High Command that they be produced before the Freedoms Committee of the commission so that the commission might satisfy itself that they have in fact changed their mind. In reply, the P.A.V.N. High Command informed the commission that one "rallie" handed over to the French Union forces in February 1955 had been sentenced to death and another "rallie" repatriated in March 1955 had been sentenced to 12 years' hard labour and 20 years of solitary confinement. The P.A.V.N. High Command, further, stated that in view

of this attitude of the French High Command, it would not agree to the repatriation of any "rallie" through the French Union forces until such time as the assurance which had been previously asked for from the French High Command that no deserter handed over by the P.A.V.N. High Command would be punished for desertion, was given. The French High Command has been asked to offer specific comments on the two cases quoted by the P.A.V.N. High Command and its attention has also been drawn to the fact that these persons are entitled to the benefit of article 14(c) and should not be punished for acts connected with desertion.

32. It has, however, been made clear to the parties that the commission does not deal with deserters under the agreement, but the commission has expressed a hope that the procedure laid down as a result of discussion between the parties and the commission for the repatriation of "rallies," which was based on humanitarian grounds, would be continued and that the commission was ever willing to offer its good offices in this regard.

33. In one case, however, that of ex-legionary Johann Vreckar, the commission received several petitions from him of a conflicting nature and his wishes were not clear. The commission, therefore, decided on February 9, 1956, that a mobile team (100) should interview Vreckar with the limited task of ascertaining whether he desired to be handed over to the French Union forces or not. No investigation into his status was to be undertaken. The P.A.V.N. High Command expressed its unwillingness to produce Vreckar before the commission's team on the ground that he was a "rallie" and had clearly expressed his wish to be repatriated to the German Democratic Republic. The commission reiterated its demand on several occasions that Vreckar should be produced before the mobile team. In July the commission converted its request into a recommendation and asked that Vreckar should be produced before the team by July 13, 1956. The P.A.V.N. High Command, however, did not produce him within the time limit. On July 14, 1956, ex-legionary Johann Vreckar on his own came to the commission's secretariat and was interviewed by the three Deputy Secretaries-General of the Commission. On being questioned about his wishes he stated that he did not want to be handed over to the French Union forces. The commission has closed this case.

34. Regarding civilian internees the latest position is as follows:

	FUF	PAVN
1. Number released up to July 31, 1956 (excluding 93 mentioned in the 3d interim report, 67 mentioned in the 4th interim report and 79 mentioned in the 5th interim report), by	14	
2. Number of recommendations for release made by the Commission during the period under report under art. 21 to	2	
3. Number of cases in which recommendations for release made by the Commission under art. 21 (with dates of recommendations) have not so far been implemented by	13 86	
4. Number of cases under consideration of complaints against	111	6
5. Number of cases in which Commission has declared that release was inconsistent with art. 21 of the Geneva Agreement, against	12	
6. Number of cases in which Commission has held violation of art. 21 and decided to take action under art. 43 of the Geneva Agreement, against	2	

¹ Regarding one identity has been questioned, and it is being considered whether this release was under art. 21 or 14(c).

² Aug. 29, 1955.

³ Dec. 9, 1955.

35. As mentioned in serial No. 5 above, there have been 12 cases where the French High Command released civilian internees

without handing them over to the P.A.V.N. High Command. The Commission has informed the French High Command that such releases are inconsistent with the provisions of article 21.

36. In the cases of 19 civilian internees (13 plus 6) referred to at serial No. 3 above, the Government of the Republic of Vietnam contended that their cases were not covered by article 21(b) as they were former members of the National Armed Forces and had been detained or punished under the military law applicable to them and could not, therefore, be considered as civilian internees. The Commission examined the legal aspect of the matter and after very careful consideration came to the conclusion, with the Canadian delegation dissenting, that, when it was clear that a person had been arrested and convicted because he had contributed to the political and armed struggle between the two parties in Vietnam, his case was covered by article 21, no matter under what law he was so convicted and no matter what his status was at the time of arrest and conviction. The benefit of article 21 could not be denied to a person if the reason for his arrest and conviction was that he had contributed to the political and armed struggle in Vietnam, and the fact that he was a former member of the armed forces of one party and had been arrested and convicted under military law of that party, could not exclude him from the definition of a civilian internee.

37. This decision was communicated to the French High Command but the Republic of Vietnam adhered to its own interpretation of article 21(b). The Commission has, in a letter dated June 6, 1956, reiterated its stand and requested the French Liaison Mission to urge the Government of the Republic of Vietnam to implement the recommendations made by the Commission and to release the persons concerned immediately, particularly in view of the appeal made to the parties by the co-chairmen to give effective cooperation to the commission. The French Liaison Mission has also been informed that if the Commission's recommendations are not implemented by the authorities concerned the Commission would consider taking action under article 43 of the agreement. The recommendations have not been implemented. The difficulties encountered by Mobile Team 47 which has been charged with examining complaints of violations of article 21 in South Vietnam, will be dealt with in paragraph 70 of this report.

38. The Commission would like to draw the attention of the co-chairmen to two cases coming under article 21—the case of Tran Quy Minh alias Hamalde, Francois and the case of Nguyen Truong Sinh alias Tangavelou, which have been pending with the Commission since June and July 1955 respectively. In both these cases the Commission, after careful examination, arrived at the finding that they were civilian internees. On February 17 and 27, 1956, respectively, the Commission communicated to the French High Command these decisions and directed the French High Command to produce these two persons who were stated to be in custody in France, at Saigon so that their choice of zone in which they would like to go and live might be ascertained. In spite of protracted correspondence with the French High Command, the recommendations of the International Commission in these two cases were not implemented. In both the cases the French High Command claimed that as Hamalde Francois and Tangavelou were of French nationality their cases were not covered by article 21. The Commission, after examination informed the French High Command that article 21 applies to all civilian internees irrespective of nationality. The French High Command has informed the Commission on July 14, 1956, that Hamalde Francois was released in France

on September 11, 1955, after a grant of free pardon. In the case of Tangavelou, the French High Command has informed that he has been released on probation in France and that he has submitted a petition for a reprieve which is being considered. In both these cases, therefore, the French High Command has rejected the considered findings and recommendations of the Commission. The Commission has recorded violation of article 21 in both these cases and has informed the French High Command that the Commission will take action under article 43 of the agreement.

39. The Commission views with concern cases of this nature where a party refuses to implement the recommendations of the Commission due to difference of interpretation of the agreement. If the Commission is to fulfill its tasks of supervision and control adequately, it is essential that the Commission's authority on interpretation must be accepted by the parties as final.

40. The case of Father Nguyen Quang Vinh, a Trappist monk of the monastery of Chau-Son, which was mentioned in paragraph 14 of the Fifth Interim Report, has been pending with the commission since May 1955. The French High Command had alleged that Father Vinh was detained as a civilian internee by the P.A.V.N. authorities. The commission has obtained from the P.A.V.N. High Command a complete dossier of the case in order to ascertain whether his case is covered by article 21. Father Vinh has been sentenced to penal servitude for life on allegedly common law charges. The commission decided in April 1956 that the legal committee, acting as a team, should interview Father Vinh and also examine the dossier of his case. Father Vinh was, however, not produced before the commission's team by the P.A.V.N. High Command. The commission was informed on July 3, 1956, by the P.A.V.N. High Command that Father Vinh escaped from custody in the month of January 1956. The commission has asked the legal committee to examine the dossier of the case and on the basis of the documents available to submit a report whether there had been a violation of any article of the Geneva Agreement.

CHAPTER V—PLAN ON THE INTRODUCTION OF FRENCH TROOPS, MILITARY PERSONNEL, ARMS AND MUNITION—MILITARY BASES IN VIETNAM

41. Arrangements made for the supervision and control of the execution by the parties of the provisions of articles 16 to 20 of the agreement and additional measures taken by the commission to discharge its special responsibility under article 36(d) have been referred to in the first five interim reports.

42. The mobile team arrangements made for the continuous control of introduction of war material and military personnel on the Vietnam-Cambodian border at Loc Ninh continued throughout the period under report, but Mobile Team 88, located at Phuc Hoa on the Vietnamese-Chinese border had to be withdrawn on January 26, 1956, due to the insistence of the P.A.V.N. High Command that further extension of the tenure of the team could not be given and that logistic support was to be discontinued. Another team with a new number 99 was established at Phuc Hoa on February 8, 1956. This team also had to be withdrawn on May 16, 1956, after the refusal of the P.A.V.N. High Command to implement the recommendations of the commission. During the absence of the above mobile teams from Phuc Hoa, the mobile element of the Lang Son Fixed Team was given the additional task of controlling the area from Dong Dang. The mobile element visited Phuc Hoa on seven occasions.

43. However, the commission has been of the view that continuous control by a mobile team at Phuc Hoa is essential, since the mobile element of the fixed team at Lang

Son cannot assure the necessary supervision of most of the important lines of communication near the border between North Vietnam and China. The stand of the P.A.V.N. High Command has been that the maintenance of a mobile team for an undetermined period changes its character to that of a fixed team and that this is contrary to the provisions of article 35. The commission after giving full consideration to the views of the P.A.V.N. High Command, has held, with the Polish delegation dissenting, that it has full authority under article 35 to keep mobile teams in operation in the zones of action for such periods as it considers necessary and that such mobile teams will not become fixed teams irrespective of the length of time they are kept in operation. The above decision of the commission was communicated to the P.A.V.N. High Commands before withdrawing Mobile Team 88 and Mobile Team 99. The commission has made it clear that the decisions to withdraw the teams were forced on the commission because of the refusal of the P.A.V.N. High Command to implement the recommendations of the commission and to extend the necessary cooperation to the teams. At the insistence of the commission the P.A.V.N. High Command, though it has not accepted the commission's interpretation of article 35, has, on July 19, 1956, agreed to the deployment of a new mobile team at Phuc Hoa. The commission has, therefore, decided to send a new team to Phuc Hoa at the earliest date possible. The P.A.V.N. High Command has informed the commission that the tenure of the team will be discussed later.

44. In addition to the airfields within the zones of action of the fixed teams which were being controlled, the commission decided to carry out the reconnaissance of the important and uncontrolled airfields in Vietnam which could be used for introducing military personnel and war material. During the period under review, in the north the P.A.V.N. High Command gave concurrence to three controls and four out of five reconnaissances requested by the commission and seven teams completed the tasks entrusted to them. Concurrence for the fifth reconnaissance was not received during the period under report. In the south, the Government of the Republic of Vietnam gave concurrence in 4 out of 10 cases where concurrence was requested. The four teams concerned completed their tasks. The reconnaissance of the remaining five airfields and the second reconnaissance of another airfield could not be carried out as the Government of South Vietnam did not give concurrence. In three cases where the commission decided after reconnaissance to institute control, no control could be exercised. The Government of the Republic of Vietnam in connexion with both reconnaissance and control referred to above, took the stand that there should be parity between the north and the south. The commission did not accept the argument of parity and requested the authorities of South Vietnam to make immediate arrangements for the reconnaissance or control of the airfields concerned as the case may be. Compliance is awaited. During the period under review, the commission completed four reconnaissances and three controls covering five airfields in the north and four reconnaissances covering four airfields in the south. Further reference is made in paragraph 73 below. During this period the commission also carried out periodic reconnaissances of roads in North Vietnam. Six such reconnaissances were completed with the concurrence of the P.A.V.N. High Command. The seventh could not be completed due to bad weather conditions when the team was actually deployed.

45. Mention was made in paragraphs 31 to 35 of the Fifth Interim Report of the problems of control of shipping in the Me-

kong River. The legal committee of the commission has studied the question of the rights of shipping on rivers open to international navigation and their compatibility with the obligations of the parties under articles 16 and 17 and has come to the conclusion that the commission has the right to stop ships for control purposes by its teams. The French High Command has been informed of this decision.

46. In order that the fixed teams might devote special attention to such places on the coast where there was possibility of war material and military personnel being landed, the Commission has, from time to time, carried out reconnaissance of the coast of Vietnam. The task has been completed with the following exceptions:—

(a) Coastal area between Ha-Tien and Rach-Gia in South Vietnam. This could not be done due to the alleged conditions of insecurity prevailing in this area.

(b) The coast from Haiphong to Tien-Yen in North Vietnam. This could not be carried out due to the nonprovision of suitable sea transport.

47. The Commission, during the period under report, ordered reconnaissance of all offshore islands both in North and South Vietnam in view of complaints made by the parties about lightening of ships and in view of a case which came to the notice of the Commission. The French High Command in a letter to the Commission on December 16, 1956, alleged that there were a great number of places in the area of Haiphong, where lightening of ships could be effected. In January 1956 the Haiphong fixed team brought to the notice of the Commission an instance where a ship was lightened in the Baie D'Along before entering Haiphong. The captain of the ship freely gave the information to the team that his ship had anchored in the Baie D'Along for some time for off-loading into barges approximately 1,000 tons of cargo there in order that the ship might be sufficiently light to enter Haiphong Harbor. The team checked the cargo of the ship and the lightened material in Haiphong port and found them to be general merchandise. On February 4, 1956, the PAVN High Command alleged in a letter to the Commission that numerous ships were anchoring off the Mekong estuary at nighttime and unloading war material into barges which brought them to the shore.

48. As a result of the allegations of the French High Command and the instance of lightening mentioned above, the Commission directed its teams early in February 1956 to carry out a reconnaissance of the offshore islands and submit the following information:

(a) Islands which are suitable for lightening of war material/military personnel.

(b) Their recommendations regarding the frequency of control.

The parties were also requested to indicate the places along the coast of North and South Vietnam where lightening could take place. In May 1956 the commission also directed its naval advisers on the recommendations of the operations committee to reconnoiter Cap St. Jacques area in view of the P.A.V.N. High Command's complaint in order to determine the places where lightening could take place. The reconnaissance is underway. The commission decided in June 1956 on similar reconnaissance of the Haiphong area by its naval advisers. Concurrence of the P.A.V.N. High Command for the proposed reconnaissance is awaited.

49. However, the commission's teams have not so far been able to carry out any reconnaissance of the offshore islands in North Vietnam. The commission has been pressing the P.A.V.N. High Command since March 1956 to provide necessary transport to the teams concerned, but the high command has not done so. The commission hopes that the teams along the coast of North Vietnam will

be able to begin this reconnaissance soon. In South Vietnam this task of reconnaissance was partially done. However, further reconnaissance was held up as the Government of the Republic of Vietnam in reply to the commission's request to provide suitable sea transport to the teams concerned informed the commission that it would not oppose the continuance of the reconnaissance of the coastal islands south of the 17th parallel provided similar reconnaissance was carried out of all the islands north of the 17th parallel. The commission refused to accept such conditional cooperation and informed the French High Command that it took decisions in each zone on merits. It was also informed that the P.A.V.N. High Command had been requested to make available suitable transport to carry out reconnaissance of the offshore islands in the north. The Government of the Republic of Vietnam has now given its concurrence for the continuance of the reconnaissance of the offshore islands and the reconnaissance has been resumed.

50. The commission's teams both in South and North Vietnam have been encountering difficulties in the performance of their normal duties. The difficulties faced by the Commission's teams in South Vietnam are mentioned in paragraphs 51 to 56 and those in regard to North Vietnam in paragraph 64.

51. The difficulties in respect of South Vietnam are: (a) time notice restrictions on team movements to certain areas and delays in certain cases in the provision of necessary sea and air transport; (b) lack of notifications due under articles 16(f) and 17(e) of the agreement; (c) restrictions on the exercise of spot-checks on ships and aircraft and failure in certain cases to make available the required documents. In paragraph 45 of the Fifth Interim Report the Commission had referred to the question of time notice restrictions. According to the instructions to the fixed teams and their mobile elements prescribed by the commission, the fixed teams are required to give half an hour's notice before moving to any part of their zones of action and their mobile elements to give 2 hours' notice. Though this has been accepted by the two high commands, the Government of the Republic of Vietnam has been demanding on grounds of insecurity and other reasons 24 hours' notice and in some cases even 48 hours' thus restricting the movements of the majority of teams. The senior military advisers of the commission discussed the situation with the representatives of the French High Command and on the basis of their report, the commission rejected the various arguments advanced by the Government of the Republic of Vietnam and insisted that the teams should be taken out on control duties on giving notice as prescribed in the Instructions to fixed teams and their mobile elements. With regard to Fixed Team Tan Chau, in which case the commission had made an exception before, the operations committee after studying the problem came to the conclusion that it would appear that the security situation in the team's zone and sphere of action was normal and that it considered that the team should now be able to carry out its duties effectively in accordance with the instructions laid down by the commission. The French High Command has been informed accordingly and has been requested to provide the necessary facilities for the team to function fully. The French High Command has communicated to the commission a letter from the President of the Republic of Vietnam dated July 12, 1956, which instructs the authorities in South Vietnam that the advance notices by the commission's team could be reduced to 2 hours unless a visit to a region under the control of another province should require longer notice. But the restrictions

on the movements of the teams still continue.

52. From 3 to 7 days advance notice has also been demanded before providing necessary sea or air transport to Fixed Team Cap St. Jacques for the purpose of carrying out its prescribed control duties. Sea and air transport have not been made available for weeks together in spite of requisition with the result that the team has not been able to carry out the control of the Camau Peninsula in South Vietnam for months. Longer notice than what is prescribed in instructions has also been demanded in the case of two other teams.

53. The second problem faced by some of the Commission's teams in South Vietnam is with regard to notifications to be given under article 16(f) and 17(e) before the introduction of military personnel and war material. Under article 16, military personnel can be introduced into Vietnam only by way of rotation, notification for which is required to be given to the Joint Commission and to the International Commission at least 2 days in advance of the arrivals or departures of such personnel. Under Protocol 23 signed by the two high commands, within 72 hours of arrivals or departures of military personnel a report is to be submitted to the joint commission and to the International Commission. A reference was made in paragraph 28 of the Fifth Interim Report to the visits of military aircraft including U.S. Navy planes to Saigon, without advance notification of these movements to the Commission's team. The Commission had informed the French High Command that advance notifications must be given in respect of all civil and military aircraft carrying military personnel and war material in accordance with the provisions of articles 16(f) and 17(e). However, according to the reports received from some of the teams, especially the Saigon Fixed Team, U.S. Naval and Military planes continued to enter and leave Vietnam without notification during the period under review. In a number of these cases these planes were seen bringing in and taking out United States and Vietnamese military personnel. In reply to the Commission's inquiry, the French High Command has stated that the U.S. personnel are either in transit or replacements for the MAAG (Military Aid Advisory Group) and that Vietnamese personnel are returning after attending training courses outside the country. In most cases notifications under articles 16(f) and 17(e) were not given. As regards the military transport aircraft as distinguished from their cargoes, the Commission decided on July 26, 1956, that these aircraft in themselves constituted war material in terms of article 17(a) and Protocol 23. The Commission has communicated the above decision to the French High Command and has informed it that the Commission will require advance notifications about the arrivals and departures of these planes in order to insure that they do not remain in the country and that they do not unload any war material. The Commission has indicated that it was preparing detailed modalities for the control of transit operations. In the last 6 weeks there has been an improvement in respect of notifications and in the majority of cases such notifications are being received by the team concerned.

54. In paragraph 35 of the fifth interim report, mention was made of the difficulties encountered by the commission's fixed team at Saigon with regard to the control of Saigon airport and of the suggestions made by the Commission to the French High Command in this connection. As the situation did not show any improvement, the Commission reviewed the position and made certain recommendations to the party in April 1956. In spite of this, the team continues to encounter difficulties in the exercise of its control duties. It has not been permitted to go to the loading and unloading area and

in a number of cases, in spite of the team's request, foreign incoming aircraft were not brought to the parking area for the purpose of spot checking of their cargo. These aircraft taxied directly to the military section of the airport to which the team is not given access.

55. Manifests and other relevant documents of the aircraft were also not made available to the Saigon fixed team on numerous occasions on the ground that the local customs and other authorities had not received instructions to show them to the team.

56. In the harbor, the Saigon fixed team noticed instances where war material was brought in without notification; neither were manifests made available. There were also instances where war material was shipped out and notification was given either after the loading or after the departure of the ship. The team could not check the cargo. The team was also not allowed in some cases to carry out spot checks on ships in the harbor. The liaison officer told the team that the ships over which the team wanted to exercise control did not carry any war material and that there was therefore no need for the team to do its spot checking and that its request for manifests would be communicated to the higher authorities. As a result, in these cases the Commission could not satisfy itself that the incoming shipment did not contain war material. The French High Command has notified the Commission from time to time of war material introduced into South Vietnam during the period under report. However, prior approval of the Commission for such introduction was not obtained as required by protocol 23.

57. During the last 6 weeks there has been an improvement in the matter of production of manifests and other documents to the team both in the airport and in the harbor at Saigon.

58. Both the parties have contended that internal movements of war materials are not subject to control by the commission. The commission has considered this argument and, in order to satisfy itself that the movements are really internal, has suggested a method of control in the zones of action of the teams. The Government of the Republic of Vietnam has agreed to this suggestion subject to a reservation. The comments of the P.A.V.N. High Command are awaited.

59. In paragraph 27 of the Fifth Interim Report reference was made to complaints received from the P.A.V.N. High Command regarding alleged violations of articles 16 and 17 of the Geneva Agreement. The commission has not been able to carry out its investigation mentioned in that paragraph regarding the alleged construction of a new airfield at Nha Ban in South Vietnam, the reasons being alleged insecurity conditions in the area and the stand of the Government of the Republic of Vietnam, mentioned in paragraph 44 above. The P.A.V.N. High Command has also alleged the construction of two other airfields in South Vietnam. This is under investigation.

60. During the period under report, the commission has received a total of 24 complaints alleging 76 specific instances of violations of articles 16 and 17 in South Vietnam. In two cases where United States and Vietnamese military personnel were introduced into South Vietnam without any notification under article 16(f), the operations committee of the commission came to the conclusion that there had been a violation of article 16. In one case where a U.S. military plane brought to Saigon a consignment of aircraft wheel tires the committee concluded that there had been a technical violation of article 17. In the first two cases, mentioned above, the commission asked the French High Command to show cause why a finding of violation of article 16 should not be given,

and in the third case why a finding of violation of article 17 should not be given. The French Liaison Mission in its reply dated July 21 has not denied the facts but has stated that due to lack of coordination between the various Vietnamese services, notifications were not given. The matter is under the consideration of the commission. In another case the commission decided that there had been no violation as on the date mentioned by the P.A.V.N. High Command in its complaint, no U.S. plane had landed at Tourane and, in one more case, that the allegation had not been proved. In two cases the commission declined to undertake any investigation as the allegations were too general. For the same reason the commission just noted two complaints from the P.A.V.N. High Command. The other complaints are under inquiry. In some cases it has been found that team reports bear out the allegations made by the P.A.V.N. High Command of violations of articles 16 and 17. In such cases the party has been asked to explain why notifications as required under the agreement have not been given and why the procedure laid down in protocol 23 for the introduction of war material and military personnel has not been followed.

61. During the period under review the Commission considered the question of introduction into South Vietnam of a number of landing ships (tank) mentioned in the team reports. The Commission decided that LSTs were war material. It has asked the French Liaison Mission to explain why they were introduced without notification under article 17 and without following the procedure under protocol 23.

62. With reference to paragraph 30 of the Fifth Interim Report regarding necessary notification under articles 16(f) and 17(c) to the Central Joint Commission, the situation remains unchanged. The French High Command has not implemented the recommendations. In fact, the position has become more complicated due to the nonfunctioning of the Central Joint Commission after the disappearance of the French High Command on April 28, 1956.

63. One major case of a foreign military mission in South Vietnam came up during the period under report. On April 25, 1956, the commission received a request from the French Liaison Mission and the Republic of Vietnam for grant of permission for the entry of 350 military personnel of the U.S. Army Service Corps into South Vietnam. It was stated that these persons would constitute a mission called "TERM"—Temporary Equipment Recovery Mission—whose duties would be to examine war material and military equipment lying in South Vietnam which was the property of the U.S. Government for the purpose of selecting material to be exported from Vietnam and to protect and preserve this material. The Commission was informed that the members of "TERM" would start entering South Vietnam by the last week of May 1956. The Commission informed the French Liaison Mission that the matter was under consideration and that pending the decision of the Commission no entry should be effected. In spite of this, 290 U.S. military personnel belonging to the "TERM" have been introduced into South Vietnam, thus facing the Commission with a fait accompli. The Commission takes exception to this method of procedure adopted by the French Liaison Mission and the Government of the Republic of Vietnam. The Commission gave due consideration to the request of the Republic of Vietnam and communicated its decision on May 29, 1956. In this letter the Commission asked for assurances that the functions of "TERM" would be solely the selection of material for export from the country and that it would not be used for any other purpose. The Commission further asked for details regarding the mission, number, and names of per-

sonnel, their postings in the country and the tasks assigned to each one of them. Lastly, the Commission proposed certain conditions on acceptance of which the Commission would be prepared to agree to the entry of the "TERM" personnel. These conditions include submission of fortnightly progress reports on the work of "TERM," submission of notifications regarding entry and exit of "TERM" personnel, right of the commission and its fixed teams to control entry and exit, and the right of the Commission to conduct spot checks at any place where "TERM" personnel were functioning. The matter is being pursued with the authorities of the Republic of Vietnam, whose final acceptance of the Commission's conditions has not yet been received. The Commission has also received complaints from the P.A.V.N. High Command regarding alleged activities of certain U.S. military missions in South Vietnam as constituting violations of articles 16, 17, 18, and 19 of the agreement. The matter is under the consideration of the Commission which is awaiting the comments of the French High Command.

64. The difficulty that is being experienced by the commission's teams in the north is with regard to obtaining suitable and modern means of sea or air transport for control purposes. Since June 1955 the commission has been making efforts to get the PAVN High Command to provide a suitable sea-worthy boat for Fixed Team Haiphong for controlling the coast between Do Son and Sam Son. It had informed the High Command that in its view control could best be exercised by means of an amphibian aircraft. The High Command informed the commission, in reply, that a naval craft could serve the purpose equally well and that it was negotiating with the French for obtaining two LCTs. However, when the French High Command informed the PAVN High Command that it was willing to send four boats to Haiphong Harbor in one of its naval vessels, the latter did not accept the offer on the ground that it could not allow the French vessel to enter its waters. The French High Command, in a letter to the commission dated December 16, 1955, to which reference was made in paragraph 47 above, requested the commission's assurance that there was really effective control in the areas of Haiphong, Hong Gay, Cam Pha port and Pho Cac Ba, particularly with reference to the means of transport available to the team. This was examined by the operations committee of the commission, and on its recommendation the commission informed the French High Command that up to that time the control in the area in question had been as effective as possible with the transport facilities available to the team. The facilities consisted of vehicles only. The Fixed Team Haiphong did not have a boat to control part of its zone of action along the coast from Do Son to Sam Son once a week as prescribed by the commission. Except for this, the control of the other areas within the zone of action of the team has been carried out by road as prescribed by the commission in the instructions to fixed teams and their mobile elements. In the last week of July, Fixed Team Haiphong was provided with a boat and did two short trips within its zone of action. But the team has reported that in its opinion the boat does not fulfill all the requirements of the team for the purpose of its control duties. The matter is under the consideration of the commission. The Tien Yen and Vinh teams have not been provided with the required sea transport.

65. The commission's fixed teams both in North and South Vietnam have experienced difficulties from time to time in the course of their day-to-day working. These difficulties were often due to narrow interpretations placed by the liaison officers on the teams' instructions and to the differences of opinion which thereby resulted between the teams and the liaison officers. Such difficulties were

settled or are being settled by the teams themselves or by the operations committee of the commission.

CHAPTER VI—COOPERATION OF THE PARTIES TO THE AGREEMENT

66. In chapter VIII of the Fourth Interim Report and in chapter VI of the Fifth Interim Report, the commission recorded the degree of cooperation which it was receiving from the two parties, the extent to which they were fulfilling their obligations under the agreement and the difficulties which the commission itself was experiencing in carrying out its tasks of supervision and control. These difficulties were brought to the specific notice of the cochairman, as the commission felt that unless they were resolved and unless the parties were prepared to execute the provisions of articles 25 and 35, the commission would not be able to discharge its responsibilities under the agreement. The commission regrets to state that during the period under review, most of the difficulties which were described in earlier reports still confront the commission.

67. The difficulties which the commission has been experiencing concern either cases "where the commission's activities are being hindered" or cases "where one of the parties refuses to put into effect the recommendations of the commission." This distinction has been made in article 43 of the agreement itself.

Difficulties in South Vietnam—Cases where the commission's activities are being hindered

68. The main difficulties in this category experienced in South Vietnam are those connected with the operation of the commission's fixed and mobile teams and the implementation of articles 16 and 17 of the agreement.

69. The Commission decided during the period under review to send four mobile teams to conduct investigations under articles 14(c) and 14(d) in South Vietnam, in addition to the two teams which it had decided to dispatch during the period covered by the Fifth Interim Report. The Commission has not been able to obtain the concurrence of the French High Command for the conduct of these investigations, except in three cases referred to in paragraph 18. In one case, it has been stated by the Government of the Republic of Vietnam that for security reasons, no investigation is possible. The International Commission took up the matter with the French High Command and in its view the security conditions in the area appeared to be normal. Nevertheless, the concurrence has not been received. The Commission is pursuing these cases. As mentioned in previous reports, the Commission had to withdraw its mobile Teams 24 and 61 as the Government of the Republic of Vietnam had stated that the investigations could not be carried out on grounds of security and laid down conditions which were not acceptable to the Commission. The Commission has so far been unable to resume the activities of these teams. The Commission is of the view that unless the party concerned cooperates with it in the conduct of on-the-spot investigations and unless the Commission is in a position to carry out inquiries through its inspection teams as visualized under article 37 of the agreement, it will not be in a position to fulfill satisfactorily the tasks of supervision and control under the agreement.

70. The activities of mobile Team 47 which was investigating complaints of alleged violations of article 21 have come to a standstill because of the nonproduction by the Government of the Republic of Vietnam of dossiers and papers concerning the prisoners and in some cases of the prisoners themselves whom the Commission had decided to interview. In spite of protracted correspondence the authorities have produced neither the persons nor their dossiers. There are over a hundred such cases which remain to be settled. Amongst these are the cases of 16 alleged

prisoners of war/civilian internees detained in Poulo Condore prison. The Commission informed the French High Command on June 5, 1956, that the concurrence of the authorities of the Republic of Vietnam should be obtained within 3 weeks failing which the Commission would decide what action it should take for nonimplementation of the recommendations of the Commission. No reply has been received to this demand. The Commission has, on June 6, 1959, made a final demand to the French High Command for the production of dossiers concerning the other cases stating that if they were not received within 3 weeks the Commission would declare the detainees as prisoners of war/civilian internees. No reply has been received so far.

71. Another major difficulty is the time notice restrictions placed by the authorities in South Vietnam on the Commission's fixed teams. These have been described in detail in paragraph 51. The Commission had made it clear that the existence of such time notices makes it impossible for its teams to carry out all their duties effectively. In spite of the repeated efforts of the Commission, during the period under review, movements of the teams continued to be restricted.

72. The provisions of articles 16 and 17 and protocol No. 23 have not been fully implemented by the French High Command. The notifications which the parties have undertaken to give under the provisions of these articles were not received regularly by the commission. Thirty-six cases have been recorded where no notifications have been received by the commission's team in Saigon and on 14 occasions the team actually saw military personnel deplaning at Saigon airfield. The commission has repeatedly taken serious objection to the failure of the French High Command to give the required notifications under articles 16 and 17. On April 25, 1956, the French High Command informed the commission that the Government of the Republic of Vietnam had indicated its consent to give the required notifications. As indicated in paragraph 53 above, notifications are being received in the majority of cases, since the last 6 weeks. However, there have been cases where no notifications were received. The difficulties of the team in exercising control in Saigon airfield have been dealt with in paragraph 54 above.

73. The commission has been unable to conduct reconnaissance and control of the airfields in South Vietnam mentioned in paragraph 44. The details of the difficulties which arose in this connexion have been described in that paragraph. The commission has asked that immediate arrangements should be made for the reconnaissance and control of the airfields as the case may be. Because of this lack of cooperation, the commission has not been able to supervise all airfields in the discharge of its statutory duties under article 36(d). The commission has also not been able to complete the reconnaissance of part of the coast of South Vietnam as the particular means of transport required by the commission was not supplied.

74. Arrangements have not been made for accommodating the mobile element of the fixed team at Tan Chau, decided upon by the commission.

75. Apart from the cases which have been specified above, there are numerous other cases which are pending settlement for a long time as satisfactory replies have not been received from the French High Command. Correspondence is conducted for months together and the commission is unable to settle cases because of lack of adequate replies.

Cases of nonimplementation of recommendations of the commission

76. Apart from the hindrances in South Vietnam mentioned above, there are cases where specific recommendations of the Com-

mission have not been implemented by the French High Command or where implementation has been delayed. The majority of cases concern recommendations made by the Commission regarding release of civilian internees from prisons in South Vietnam. Details of these cases have been mentioned in paragraphs 36, 37, and 38. In spite of repeated requests, 21 recommendations regarding release of civilian internees have not been implemented. In 19 cases, the authorities of the Republic of Vietnam have rejected the Commission's recommendations on the ground that the persons concerned were former members of the armed forces. Details of two other cases of nonimplementation have been mentioned in paragraph 38 above. As pointed out in chapter IV, the Commission gave very careful consideration to the legal aspect of the matter and confirmed its recommendations. In spite of this, the recommendations have not been implemented. The Commission views with great concern cases where the parties refuse to implement its recommendations on the ground that they interpret the provisions of the agreement in a different manner.

77. The Commission conveyed on February 24, 1956, its recommendations that notifications of import of war material and introduction of military personnel should be given in writing to the Central Joint Commission as laid down in articles 16 and 17 and for this purpose a Central Secretariat should be sent up. The French High Command has not accepted these recommendations.

78. Apart from the cases specified above, there are several other cases of nonimplementation and partial implementation of recommendations some of which are considerably old, such as, the recommendations made by the Commission a year ago as a result of investigations conducted by Mobile Teams 57, F-16, and 24.

Difficulties in North Vietnam—Cases where the commission's activities are being hindered

79. There also exist cases in North Vietnam where the Commission's activities are being hindered. The case of Mobile Team F-44 has been mentioned in paragraph 24 above. This case, where the Commission has been experiencing a major difficulty, has been pending with the Commission since April 1955, and the Commission's repeated efforts to complete the investigation have not been successful so far. Various reasons have been given by the P.A.V.N. High Command for not arranging for the interview of the seminarists, including the reason of the reluctance of the religious authorities to allow the team to interview the seminarists inside the seminary. As already mentioned in paragraph 24, with a view to expediting the matter, the Commission has decided to interview the persons concerned at Vinh and has made a recommendation to that effect. This recommendation has not been implemented.

80. The Commission has not yet been able to complete the reconnaissance of part of the coast of North Vietnam as the P.A.V.N. High Command has not supplied suitable means of sea transport. The question of providing suitable sea transport to the teams at Vinh, Tien Yen and Haiphong was taken up with the P.A.V.N. High Command as early as June 1955. The teams at Vinh and Tien Yen have been without suitable means of sea transport. As stated in paragraph 64 above, a boat was given to the Haiphong Fixed Team in the last week of July 1956, but its adequacy is yet to be determined.

81. On January 1, 1956, the P.A.V.N. High Command took over the air services in North Vietnam which connect the Commission with its teams in the north, assuring the Commission that the services would continue to be as satisfactory as before. Since that date, however, the Commission has been experiencing difficulties in the maintenance of its team at Lao Kay as the air service between Hanoi and Lao Kay has been functioning unsatisfactorily. The service to the teams at

Tien Yen, Langson and Vinh has not met all the Commission's requirements. Under instructions from the commission, the senior military advisers have examined how far the air services provided by the P.A.V.N. High Command fall short of the requirements of the Commission and have made proposals for the improvement of the maintenance of the teams by air in North Vietnam. The matter is under the consideration of the Commission. The difficulties mentioned in this paragraph relate to the maintenance of the teams in the north and do not concern their control duties.

82. Apart from the above cases, there are a few cases where satisfactory replies have not been received from the P.A.V.N. High Command as a result of which the commission has not been able to settle some outstanding cases.

Cases of nonimplementation of recommendation of the commission

83. One difficulty of a serious nature where the commission's recommendation has not been implemented has been the withdrawal of the commission's mobile team from Phuc Hoa. This has been described in paragraphs 42 and 43. In this case the P.A.V.N. High Command has refused to implement the recommendations of the commission on the ground that it does not agree with the commission's interpretation of article 35. As a result, the P.A.V.N. High Command refused to provide the necessary logistic and other support for the continued existence of Mobile Team 99. The team had to be withdrawn. In the meantime, the mobile element of the Lang Son team visited the area on seven occasions for control purposes. The commission, however, is of the view that a team at Phuc Hoa on continuous duty is essential to control the area. At the insistence of the commission the P.A.V.N. High Command has agreed to the deployment of a new team at Phuc Hoa; but it has not accepted the commission's interpretation of article 35. As stated in paragraph 76, the commission views with great concern cases where parties refuse to implement the recommendations of the commission on the ground that they interpret the provisions of the agreement differently.

84. Under the cease-fire agreement the parties have, apart from the obligation to implement all the articles fully, accepted the obligation to afford full protection and all possible assistance and cooperation to the international commission and its inspection teams in the performance of functions and tasks assigned to them by the agreement. Neither party has fulfilled in their entirety these obligations. As has been revealed in the preceding paragraphs, the degree of cooperation given to the commission by the two parties has not been the same. While the commission has experienced difficulties in North Vietnam, the major part of its difficulties has arisen in South Vietnam.

CHAPTER VII—CONCLUSIONS

85. The previous chapters of this report, and in particular chapter VI, have outlined the progress made in the implementation of the cease-fire agreement in Vietnam, the degree of cooperation received from the two parties and the difficulties which the international Commission is experiencing in carrying out its tasks of supervision and control.

86. Apart from these difficulties, developments of a serious nature have taken place in South Vietnam. The Commission had already pointed out in previous reports that the transfer of power from the French authorities in the South to the authorities of the Republic of Vietnam had created difficulties in the implementation of the agreement in South Vietnam, particularly in view of the fact that the Government of the Republic of Vietnam did not consider itself as bound by the Geneva Agreement, stating that it was not a signatory to that agreement. On April 5, 1956, the Commission re-

ceived a letter from the High Commissioner for France in Saigon dated April 3, 1956, giving notice that the French High Command would withdraw completely from South Vietnam on April 28, 1956. The commission thereupon decided to inform the cochairmen of this serious development and ask for directions as to the future working of the Commission. In their reply dated April 19, 1956, the cochairmen informed the Commission that they were considering the situation in Vietnam and that pending their final decision the Commission should continue in existence and carry on its normal activities.

87. The Commission interpreted the cochairmen's directive to mean that, pending a final solution of the problem, it should continue to deal with the French authorities in Saigon as hitherto, and that the entire machinery for the proper implementation of the cease-fire agreement would be maintained. As a result of the talks held with the French authorities regarding the interim arrangements, the Commission decided that the attention of the cochairmen should be drawn to the nature of these arrangements and to the fact that after April 28, 1956, the joint Commission machinery would not be functioning due to the withdrawal of the French High Command. Accordingly, a special message was sent to the cochairmen on May 2, 1956, with a separate note by the Canadian member, and instructions were sought as to the future working of the Commission. In this communication the Commission also informed the cochairmen that it would remain in being and subject to the difficulties mentioned by it, maintain its machinery for supervision and control. It requested the cochairmen to take steps to resolve the difficulties to enable the Commission to carry on normal activities.

88. The cochairmen of the Geneva Conference discussed the matter during their talks in London and on May 8, 1956, issued messages to the International Commission, to the Government of the French Republic, and a joint message to the Governments of the Democratic Republic of Vietnam, and the Republic of Vietnam. They strongly urged both the Governments in Vietnam to make every effort to implement the Geneva Agreements to prevent any future violation of the military provisions of the agreement and to insure the implementation of the political provisions and principles of the final declaration of the Geneva Conference. They further asked the parties to give the International Commission all possible assistance and cooperation in future in the exercise of its functions. So far as the political settlement is concerned, the cochairmen requested the two Governments to transmit their views about the time required for the opening of consultations on the organization of elections and the time required for holding of elections to unify Vietnam. They recognized that the dissolution of the French Union High Command had increased the difficulties of the International Supervisory Commission in Vietnam in carrying out the functions specified in the Geneva Agreements which are the basis for the Commission's activities and that these difficulties must be overcome. In their message to the French Government, the cochairmen invited the French authorities to discuss the question with the South Vietnam authorities in order to reach an arrangement to facilitate the work of the International Commission and the Joint Commission in Vietnam. Until these new arrangements were put into effect, the French Government was requested to preserve the status quo. In their message to the International Commission, the cochairmen appealed to the Commission to persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfillment of the Geneva Agreements with a view to the reunification of the country through the holding of elections under

the supervision of an International Commission.

89. The Commission examined very carefully the three messages which the cochairmen had sent and on May 27, 1956, communicated to the cochairman its response to the appeal addressed to it. The Commission will, as stated in its message of May 27, 1956, persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfillment of the Geneva Agreement. It will continue to deal with the parties concerned on the basis of the status quo until arrangements that will facilitate the work of the International Supervisory Commission and of the Joint Commission in Vietnam envisaged in the cochairmen's message to the French Government "are put into effect." Discussions between the High Commissioner for France and the authorities of the Republic of Vietnam on the question of the future working of the cease-fire agreement and the relationship of the authorities of the Republic of Vietnam with the International Commission have just been concluded in Saigon.

90. In spite of the difficulties which it is experiencing, the Commission will, as directed by the cochairmen of the Geneva Conference, persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfillment of the Geneva Agreements on Vietnam with a view to the reunification of the country through the holding of free nationwide elections in Vietnam under the supervision of an International Commission.

G. PARTHASARATHI,
India.

B. M. WILLIAMS,
Canada.

J. GOLDBLAT,
Poland.

Hanoi, September 9, 1956.

EXHIBIT 2

EXCERPTS FROM ARTICLE ENTITLED: "SUBVERSIVE INTERVENTION" BY QUINCY WRIGHT, AMERICAN JOURNAL OF INTERNATIONAL LAW, 1960

Aggression means any use of, or threat to use armed force in international relations in violation of an international obligation. This offense is referred to in three articles of the United Nations Charter providing:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations (art. 2, par. 4).

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security (art. 39).

Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security (art. 51).

These articles prohibit "the threat or use of force," "aggression," and "armed attack" (which all seem to mean the same thing) for which a government de facto or de jure is responsible because of act or negligence. They imply that "threat to the peace or breach of the peace" becomes "aggression" when the responsible state has been identified. It is clear that they prohibit only the threat or use of armed force or an armed attack. They cannot be construed to include other hostile acts such as propaganda, infiltration or subversion. The latter, insofar as prohibited by international law, come within the category of "subversive intervention." The distinction is important because

there has been persistent effort to include subversive intervention in the concept of aggression by calling it "indirect aggression" and thus to justify military action by states or by the United Nations to stop it. It seems clear that such an interpretation would be contrary to the primary purposes of the United Nations to prevent "the scourge of war" and "to suppress acts of aggression or other breaches of the peace."

The charter makes it clear that any use of armed force by a state in international relations, which includes attacks against public ships on the high seas and across armistice lines, as well as across established boundaries, is forbidden unless necessary for defense against an "armed attack"; unless authorized by the United Nations when faced by a "threat to the peace, breach of the peace or act of aggression"; or unless invited by a state. The recognition in the charter of the "sovereign equality" of states clearly permits a state to use armed force in the territory of another state on the invitation of the latter, but this permission is subject to the conditions that the invitation, even if based on a preexisting treaty, is made freely by the government of the inviting state at the time the force is sent in, that the inviting government is in uncontested control of the state when the invitation is given, and that the forces are used only within the territory of the state issuing the invitation, unless that state is the victim of an "armed attack" from another state justifying "collective self-defense." International law does not permit the use of force in the territory of another state on invitation either of the recognized or the insurgent government in times of rebellion, insurrection or civil war. Since international law recognizes the right of revolution, it cannot permit other states to intervene to prevent it. The United Nations itself cannot intervene to stop civil strife, unless it concludes that such strife threatens international peace and security or violates an internationally recognized cease-fire line.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 167 Leg.]		
Aiken	Gore	Morse
Allott	Hickenlooper	Mundt
Anderson	Holland	Muskie
Bartlett	Hruska	Nelson
Beall	Humphrey	Neuberger
Bennett	Inouye	Pastore
Boggs	Jackson	Pell
Brewster	Johnston	Prouty
Carlson	Jordan, Idaho	Proxmire
Case	Kuchel	Robicoff
Church	Magnuson	Saltonstall
Cotton	Mansfield	Smith
Curtis	McCarthy	Stennis
Dirksen	McGee	Tower
Dodd	McGovern	Walters
Douglas	McNamara	Williams, Del.
Ellender	Metcalf	Young, N. Dak.
Fong	Monroney	Young, Ohio

The PRESIDING OFFICER (Mr. Muskie in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimi-

nation in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the modified amendment offered by the Senator from Montana [Mr. MANSFIELD], on behalf of himself and the Senator from Illinois [Mr. DIRKSEN], as a substitute for the amendment relative to jury trials, offered by the junior Senator from Georgia [Mr. TALMADGE], on behalf of himself and other Senators.

During the delivery of Mr. MORSE's speech on South Vietnam,

Mr. DIRKSEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the distinguished minority leader with the understanding that the interruption will appear elsewhere in the RECORD, and without losing my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, in introducing the Mansfield-Dirksen amendment this morning, there was a technical mistake made as to line and page. In order to make it an exact substitute, I ask unanimous consent that it be corrected in that respect.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment as modified was ordered to be printed as follows:

AN AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR THE AMENDMENT No. 513 OF Mr. TALMADGE

In lieu of the language of the amendment substitute the following:

"SEC. 1101. CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY.—In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of \$1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of \$300 nor any cumulative imprisonment exceed 30 days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.

"Sec. 1102. Section 151 of the Civil Rights Act of 1957 (41 Stat. 638) is amended by striking out the third proviso to the first paragraph thereof, and inserting in lieu thereof the following:

"*Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of \$300 nor any cumulative imprisonment exceed 30 days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases."

Mr. DIRKSEN. Mr. President, on this question, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the trial by jury concept is a cherished and revered institutional process in our society. Its history and heritage, recently reviewed in this Chamber, are well known to all. Equally cherished and revered,

equally adorned by the vine of history and heritage, equally essential to any civilized society, is the power of the judiciary to resolve in a full and complete fashion the disputes of the litigants before it. The most severe and lethal attack on this mainmast of our society is the willful and contemptuous disobedience of the final order of the court. It is for this reason that willful and contemptuous acts of disobedience of court orders historically have been treated as attacks on the basic structure of the judiciary, and have been punished by the courts, without the assistance of a jury. It has always been considered one of the necessary incidents of the power of the courts to vindicate their own dignity, enforce their own orders, and protect themselves from insult in each case, without assistance. The cases on this power of the judiciary are legion, not only in the Federal Courts, but also in those of the several States. The Supreme Court has recently reviewed this history and this inherent power of the courts in United States against Barnett, decided but 2 weeks ago.

In facing this issue of the alleged conflict of these basic institutional processes of our jurisprudence, the proposed amendment of the distinguished minority leader and myself strikes a balance between these conflicting viewpoints, so that in cases arising under this act, when an order of the court has been willfully and contemptuously violated, the court will be able to fine such person up to \$300 or imprison him for a period of up to 30 days, without a jury. The provisions of this amendment will extend to each and every title of this act under which a possible criminal contempt proceeding could arise. The Supreme Court in the recent Barnett case intimated that some upper limit should be established on the power to try a criminal contempt without a jury. It is for this reason that the upper limit of 30 days—\$300—is extended to all titles of the bill, thus modifying the bill itself in this regard. It will, in addition, amend the existing law embodied in the Civil Rights Act of 1957, which provided a 45-day \$300 limitation on the court in any criminal contempt arising out of voting cases.

I urge that the provisions of this proposed amendment be adopted by a vote in the not too distant future.

DALLAS AND THE STATE OF TEXAS

Mr. TOWER. Mr. President, I have received a copy of a letter from Mr. Robert D. Moore, of 3511 Eighth Avenue South, in Great Falls, Mont., that was addressed to the editor of the Dallas Morning News. I believe it carries a message that should be read by the Members of this Senate, as well as editors across our land. For that reason I shall ask to place it in the CONGRESSIONAL RECORD so that it too may become a part of history.

Mr. President, as Mr. Moore notes, the irresponsible attacks upon the city of Dallas and the State of Texas continue from many quarters. The reasons are quite obvious to all who are knowledgeable in the ways of politics. Dallas is generally a conservative city, and at the same time a growing, dynamic, progressive city. It seeks to solve its problems

8748

by hard work and faith. Because of this Dallas, and indeed all of Texas, has come under attack from those who think a managed, well ordered society is the answer to the ills of the moment. By ignoring the fact that the assassin of our former President was an avowed, dedicated, and itinerant Marxist, and by constantly seeking to perpetrate the hoax that Texas and Dallas are hotbeds of hatred, the spreaders of this false story seek to reap political benefit. It is my hope that America will not be deceived.

Mr. President, I ask unanimous consent to place the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GREAT FALLS, MONT.

EDITOR, DALLAS MORNING NEWS,
Dallas, Tex.

DEAR SIR: It is with growing dismay that I read and hear of the continuing attacks on the people of Dallas carried in the press and on TV and radio throughout the country. These attacks supposedly stem from the tragedy which occurred on November 22 and the aftermath of that event in Dallas. There are so many distortions of these events and their causes in the news media that one must wonder if he can even rely on the accuracy of the news today or if the news media are only tools of those wishing to promote—or destroy—a cause.

The fact that these events occurred in Dallas has made your city the object of the most vicious and unwarranted attacks I have ever seen. That these same events could have occurred in my town—or any other town—seems to escape even so-called level-headed thinkers. It has been said that the fact that an American President could be assassinated in this day and age is a sad commentary on our country and our people. In my opinion the fact that a city such as yours—made up of all kinds of people just like mine—could be crucified for this dastardly event is an even sadder commentary on the American people.

It seems quite obvious that the people of Dallas are being used as the brunt by those who wish to destroy the element in this country that disagrees with our trend toward socialism and all-powerful Federal Government. That the technique of slandering a complete city in order to accomplish an objective can be used by these people indicates their lack of even common scruples in accomplishing their purposes. That this technique can receive such widespread acceptance by our news media and by so many people who accept the news as fact, should be a cause of great concern to every American.

My purpose in writing you is to assure you—and through you, the people of Dallas—that there are many of us who realize the reasons for the vicious attacks on your fine city and who admire your courage in facing these attacks. It took me a long time to write this letter because I thought these attacks were only postassassination hysteria. I couldn't believe they would continue—that the rest of us would let them continue. However, it is now apparent that Dallas is being used in an attempt to impugn the motives of every one of us who favors government by the Constitution. This in face of the fact that a Communist shot the President.

Be assured that you have the support of a large segment of the people of this country. We only wish we could do more to share the burden unjustly forced upon you by some unscrupulous vocal people and groups—and so well served by the news media.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the

constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ILLINOIS FEPC

Mr. TOWER. Mr. President, I have stated on many occasions that the fair employment practice title of this bill is particularly objectionable to me for a number of reasons.

I feel that it is unconstitutional for the Federal Government to invade this field of legislative activity, which the Constitution reserves to the States and the people.

I also have pointed out that enforcement of this FEPC provision would be virtually impossible outside of a police state in which the Federal Government took charge of all the hiring, firing, promotion, and demotion policies and activities of the formerly free business system of this Nation.

And I have pointed out the extreme difficulties this proposed FEPC would place upon private business—whether or not the individual business had a good record of equal employment.

Proponents of this radical title have told me that I overstate the case.

I do not believe I overstate the case. I think what has been said here and the colloquies that have been engaged in indicate that the case has hardly been overstated at all. The proponents feel that FEPC legislation would not require the private business to keep unnecessary voluminous records. They say there would be no additional heavy expenditures by free business in an effort to protect itself against abuses under an FEPC law.

Mr. President, I do not think that I overstate the FEPC case. I feel that the regulations, lawsuits, and Federal pressures placed upon private business by this title are utterly unacceptable in a free economy, particularly since these pressures can be placed upon any firm at any time in presuming the firm guilty until it proves itself innocent.

Therefore, I have sought out an example of what free business can expect from an FEPC law, and I would like to now discuss in some detail the situation involving the State of Illinois FEPC commission and the Motorola Co.

May I point out that in citing this situation I make absolutely no attempt to judge the merits of the position of either side in this case. I present only a number of documents and newspaper clippings concerning the case to illustrate the type of dispute business can find itself in under an FEPC law and the enormous difficulties facing any bureaucracy and judiciary in attempting to enforce an FEPC law.

First, I want to read an article from the New York Times of March 22, 1964, because it sets the stage by providing a

brief, yet complete, summary of the situation.

The article is headlined "Dispute on FEPC Arises in Illinois—Decision by Negro Attacked in Motorola Case."

CHICAGO, March 21.—Political, business, and civil rights circles in Illinois are being jarred almost daily by repercussions over a finding in the case of a Negro who contends that he was denied a job because of his race.

National importance has been given to the decision by the Illinois Fair Employment Practices Commission, which has been cited as an example of the dictatorial power the proposed Federal civil rights bill could give Government in telling a private employer whom he may hire.

The subject has been made an issue in the Illinois gubernatorial campaign, with Republican candidates stressing the matter and Gov. Otto Kerner, a Democrat, who is seeking reelection, trying to allay criticism.

The controversy was touched off by a report by Robert E. Bryant, a Negro examiner for the FEPC, upholding the charge of a Negro applicant, Leon Myart, that Motorola, Inc., the radio and television company, had violated the State's Fair Employment Practices Act by refusing to hire him because of his race.

The examiner recommended in a ruling that requires confirmation by the employment commission, that Motorola cease giving applicants a standard ability test, devised by a professor at the Illinois Institute of Technology and used since 1949. The examiner considered the test to be unfair to "culturally deprived and disadvantaged groups."

MOTOROLA APPEALS RULING

Motorola denied discrimination and appealed the ruling to the full commission. The company's legal counsel said the appeal would be taken to the Supreme Court, if necessary. The order was also challenged by the Employers Association of Chicago, representing 1,400 companies in the area.

Now, I should like to read an editorial from the Chicago Tribune of March 7, 1964, which sets forth that newspaper's view of the Motorola-Illinois FEPC case. The editorial is entitled—"The State Will Do Your Hiring":

A foretaste of what employers may expect if the equal employment opportunity provisions of the Federal civil rights bill become law has been provided here in Illinois under the State Fair Employment Practices Act. An agent for the Commission enforcing the act has just told Motorola, Inc., that the State hereafter assumes to direct its hiring practices.

Motorola has been giving job applicants a general ability test devised by a professor at Illinois Institute of Technology and used by at least one other large Chicago employer.

A Negro applicant charged that he was denied employment because of his race. The corporation said he failed the test. The claimant said he passed it. He did pass it on reexamination in the FEPC office, and the company was ordered to hire him. But the question of fact concerning the results of the original test is less germane than the excursions of the examiner beyond that point.

This official, Robert E. Bryant, decreed that Motorola must abandon ability tests for job applicants for three reasons: (1) that the test was unfair to "culturally deprived and disadvantaged groups"; (2) that the questions did not take into account "inequalities and differences in environment"; and (3) that the standards for passing were based on those of "advantaged groups."

This may be reduced to the absurdity that any test acceptable to the FEPC would be one